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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 12 दिसम्बर, 2008

का.आ. 3386.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्य प्रदेश राज्य सरकार, गृह विभाग मंत्रालय, भोपाल की अधिसूचना सं. एफ. 12-53/2008/बी-1(दो) दिनांक 18 सितम्बर, 2008 द्वारा प्राप्त सहमति से भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 302, 376(2)(जी), 449, 50, 201 और 34 सपठित धारा 3(2)(5) अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम 1989 के अधीन दर्ज कुमारी अंजना के बलात्कार और हत्या संबंधी मामले अपराध सं. 67/2008 तथा भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) के अधीन धारा सं. 302, 201 और 34 सपठित धारा 3(2)(5) अनुसूचित जाति और जनजाति, (अत्याचार निवारण) अधिनियम 1989 के अधीन पुलिस स्टेशन भंदर, जिला दतिया

(मध्य प्रदेश) में दर्ज श्री राम सिंह दोहरे की हत्या संबंधी मामला सं. 71/2008 और उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों तथा उसी संव्यवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण मध्य प्रदेश राज्य पर करती है।

[सं. 228/86/2008—एवीडी- II]

मनीषा सकसैना, उप सचिव

MINISTRY OF PERSONNEL, PUBLIC

GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 12th December, 2008

S.O. 3386.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Madhya Pradesh, Home Department

Mantralaya, Bhopal vide Notification No. F. 12-53/2008/B-1(Two) dated 18th September 2008, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of Crime No. 67/2008 under Sections 302, 376(2)(g), 449, 450, 201 and 34 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 relating to rape and murder of Kumari Anjana and Crime No. 71/2008 under Sections 302, 201 and 34 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 relating to murder of Shri Ram Singh Dohre registered at Police Station Bhandar, District Datia (Madhya Pradesh) and attempts, abetments and conspiracies in relation to or in connection with the offence mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/86/2008-AVD-II]

MANISHA SAXENA, Dy. Secy.

नई दिल्ली, 12 दिसम्बर, 2008

का.आ. 3387.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उन निम्नलिखित अपराधों और अपराध की श्रेणियों को विनिर्दिष्ट करती है जिनका अन्वेषण दिल्ली विशेष पुलिस स्थापना द्वारा किया जाना है :-

- (क) भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 449 और 450 के अधीन दंडनीय अपराध, और
- (ख) उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्टचर्यों और षडयंत्रों तथा उसी संव्यवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों ।

[सं. 228/86/2008-एवीडी- II]

मनीषा सक्सैना, उप सचिव

New Delhi, the 12th December, 2008

S.O. 3387.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences and classes of offences which are to be investigated by the Delhi Special Police Establishment, namely :—

- (a) Offences punishable under Sections 449 and 450 of the Indian Penal Code, 1860 (Act No. 45 of 1860); and

- (b) Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/86/2008-AVD-II]

MANISHA SAXENA, Dy. Secy.

नई दिल्ली, 12 दिसम्बर, 2008

का. आ. 3388.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री डी. एस. बी. कुमार, अधिवक्ता को विशाखापत्तनम, आंध्र प्रदेश राज्य के विचारण न्यायालयों में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थित और केंद्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों के अभियोजन और विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है ।

[सं. 225/39/2008-एवीडी- II]

मनीषा सक्सैना, उप सचिव

New Delhi, the 12th December, 2008

S.O. 3388.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri D.S.B. Kumar, Advocate as Special Public Prosecutor for conducting the prosecution of cases instituted by the Delhi Special Police Establishment (CBI) in the State of Andhra Pradesh at Visakhapatnam as entrusted to him by the Central Bureau of Investigation in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law.

[No. 225/39/2008-AVD-II]

MANISHA SAXENA, Dy. Secy.

नई दिल्ली, 16 दिसम्बर, 2008

का.आ. 3389.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पश्चिम बंगाल राज्य सरकार, गृह (राजनीतिक) विभाग की अधिसूचना सं. 1061-पी.एस. दिनांक 19-9-2008 द्वारा प्राप्त पश्चिम बंगाल सरकार की सहमति से राजस्व आसूचना निदेशालय, कोलकाता द्वारा दिनांक 5-7-2008 को मोहम्मद नईम, गुलाम घोष उर्फ मुन्ना और मंसूर ऑलम के कब्जे से हावड़ा रेलवे स्टेशन पर 7,60,000 रुपए के जाली भारतीय मुद्रा नोट जब्त किए गए मामले के अन्वेषण और इनके विरुद्ध केंद्रीय अन्वेषण ब्यूरो, नई दिल्ली में भारतीय दंड

संहिता के अन्तर्गत कानूनी कार्रवाई के लिए प्राप्त राजस्व आसूचना निदेशालय, कोलकाता जोनल यूनिट-8, हो ची मिन, सरानी, कोलकाता-700071 की शिकायत सं. डीआरआईएफ सं. 106/कोल/2008(पी)/1340 दिनांक 18-7-2008 के तहत भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 489-बी, 489-सी सपठित धारा 120-बी के अधीन उपरोक्त अपराधों से संबंधित उनकी धोखाधड़ी और किसी अन्य लोकसेवक या व्यक्ति तथा उपर्युक्त अपराधों से संबंधित अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण पश्चिम बंगाल राज्य पर करती है।

[फा. सं. 228/95/2008-एवीडी- II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 16th December, 2008

S.O. 3389.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of West Bengal, Home (Political) Department vide Notification No. 1061-P.S., dated 19th September, 2008 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of West Bengal for investigation of Case relating to seizure of Fake Indian Currency Notes of Rs. 7,60,000/- effected on 5th July, 2008 by the Directorate of Revenue Intelligence, Kolkata from the possession of one Mohammad Nayeem, Ghulam Ghaus @Munna and Mansoor Alam at Howrah Railway Station against whom Central Bureau of Investigation, New Delhi received complaint for initiating legal action under Indian Penal Code from the Directorate of Revenue Intelligence, Kolkata, Zonal Unit 8, Ho Che Minh Sarani, Kolkata-700001 vide complaint No. DRI F. No.106/KoL/2008(P)/1340 dated 18th July, 2008 for their fraudulent acts and any other public servants or persons, in relation to said offences under Sections 489-B, 489-C read with 120-B of the Indian Penal Code, 1860 (Act No. 45 of 1860) and any other offences committed in the course of the same transaction or arising out of the same facts or facts in relation to aforesaid seizure.

[F.No. 228/95/2008-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 18 दिसम्बर, 2008

का. आ. 3390.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम राज्य सरकार, राजनैतिक (ए) विभाग की अधिसूचना सं. पीएलए. 633/2008/17 दिनांक 16 दिसम्बर, 2008 द्वारा प्राप्त सहमति से निम्नलिखित अपराधों :-

क्रम सं.	मामला सं.	कानून की धाराएं	पुलिस थाना
1	2	3	4
1.	1419/2008	भारतीय दंड संहिता की धारा, 1860 (1860 का अधिनियम सं. 45) 121, 121-ए, 122, 302, 427 सपठित विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6) की धारा 3 एवं 4 और सपठित विधिविरुद्ध क्रियाकलाप (निवारण), अधिनियम, 1967 (1967 का अधिनियम सं. 37) की धारा 10 एवं 13 के अधीन	दिसपुर (असम)
2.	398/2008	भारतीय दंड संहिता की धारा, 1860 (1860 का अधिनियम सं. 45) 121, 121-ए, 427, 326, (मैट्रो) एवं 302 सपठित विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6) की धारा 3 और सपठित विधिविरुद्ध क्रियाकलाप (निवारण), अधिनियम, 1967 (1967 का अधिनियम सं. 37) की धारा 10 एवं 13 के अधीन	पान बाजार, जिला-कामरूप
3.	399/2008	भारतीय दंड संहिता की धारा, 1860 (1860 का अधिनियम सं. 45) 121, 121-ए, 427, 326, (मैट्रो) एवं 302 सपठित विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6) की धारा 3 और सपठित विधिविरुद्ध क्रियाकलाप (निवारण), अधिनियम, 1967 (1967 का अधिनियम सं. 37) की धारा 10 एवं 13 के अधीन	पान बाजार, जिला-कामरूप
4.	451/2008	भारतीय दंड संहिता की धारा, 1860 (1860 का अधिनियम सं. 45) 120-बी, 121, 121-ए, 324, 326, एवं 307 सपठित विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6) की धारा 3 और सपठित विधिविरुद्ध क्रियाकलाप (निवारण), अधिनियम, 1967 (1967 का अधिनियम सं. 37) की धारा 10 एवं 13 के अधीन	बोंगाईगांव, जिला-बोंगाईगांव
5.	261/2008	भारतीय दंड संहिता की धारा, 1860 (1860 का अधिनियम सं. 45) 120-बी, 121, 121-ए, 123, 153-बी 302,	बारपेटा रोड, जिला-बारपेटा

1	2	3	4
		एवं 427 सपठित विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6) की धारा 3 एवं 4 और सपठित विधिविरुद्ध क्रियाकलाप (निवारण), अधिनियम, 1967 (1967 का अधिनियम सं. 37) की धारा 10 एवं 13 के अधीन	
6. 262/2008	भारतीय दंड संहिता की धारा, 1860 (1860 का अधिनियम सं. 45) 120-बी, 121, 121-ए, 153-बी, 302, एवं 326 सपठित विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6) की धारा 3 एवं 4 और सपठित विधिविरुद्ध क्रियाकलाप (निवारण), अधिनियम, 1967 (1967 का अधिनियम सं. 37) की धारा 10 एवं 13 के अधीन	बारपेटा रोड जिला-बारपेटा	
7. 371/2008	भारतीय दंड संहिता की धारा, 1860 (1860 का अधिनियम सं. 45) 120-बी, 121, 121-ए, 302, 323, 324, 326, 307 एवं 427 सपठित विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6) की धारा 3 एवं 4 और सपठित विधिविरुद्ध क्रियाकलाप (निवारण), अधिनियम, 1967 (1967 का अधिनियम सं. 37) की धारा 10 एवं 13 के अधीन	कोकराझार जिला-कोकराझार	
8. 372/2008	भारतीय दंड संहिता की धारा, 1860 (1860 का अधिनियम सं. 45) 120-बी 121, 121-ए, 302, 323, 324, 326, 307 एवं 427 सपठित विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6) की धारा 3 एवं 4 और सपठित विधिविरुद्ध क्रियाकलाप (निवारण), अधिनियम, 1967 (1967 का अधिनियम सं. 37) की धारा 10 एवं 13 के अधीन	कोकराझार जिला-कोकराझार	
9. 373/2008	भारतीय दंड संहिता की धारा, 1860 (1860 का अधिनियम सं. 45) 120-बी 121, 121-ए, 302, 323, 324, 326, 307 एवं 427 सपठित विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6) की धारा 3 एवं 4 और सपठित विधिविरुद्ध क्रियाकलाप (निवारण), अधिनियम, 1967 (1967 का अधिनियम सं. 37) की धारा 10 एवं 13 के अधीन	कोकराझार जिला-कोकराझार	

के अधीन दंडनीय अपराध तथा उक्त अपराध से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्रों और उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने और साथ ही साथ दोषी व्यक्तियों के विरुद्ध आपराधिक अभियोजन चलाने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण असम राज्य पर करती है।

[सं. 228/100/2008-एवीडी-11]

मनीषा सकसैना, उप सचिव

New Delhi, the 18th December, 2008

S.O. 3390.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Assam, Political(A) Department *vide* Notification No. PLA. 633/2008/17 dated 16th December, 2008, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of the offences mentioned below :—

Sl. No.	Case No.	Section of Laws	Police Station
1	2	3	4
1.	1419/2008	Under Sections 121, 121A, 122, 302, 427 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Sections 3 and 4 of the Explosives Substances Act, 1908 (Act No. 6 of 1908) and read with Sections 10 and 13 of the Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967).	Dispur (Assam)
2.	398/2008	Under Sections 121, 121A, 427, 326 and, 302 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Sections 3 of the Explosives Substances Act, 1908 (Act No. 6 of 1908) and Sections 10 and 13 of the Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967).	Panbazar, District Kamrup (Metro)
3.	399/2008	Under Sections 121, 121A, 427, 326, and 302 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Sections 3 of the Explosives Substances Act, 1908 (Act No. 6 of 1908) and read with Sections 10 and 13 of the Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967).	Panbazar, District Kamrup (Metro)

1	2	3	4
4. 451/2008	Under Sections 120-B, 121A, 324, 326 and 307 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Section 3 of the Explosives Substances Act, 1908 (Act No. 6 of 1908) and read with Sections 10 and 13 of the Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967).	Bongaigaon District Bongaigaon	
5. 261/2008	Under Sections 120-B, 121, 121A, 123, 153-B, 322 and 427 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Section 3 of the Explosives Substances Act, 1908 (Act No. 6 of 1908).	Barpeta Road District Barpeta	
6. 262/2008	Under Sections 120-B, 121A, 123, 153-B, 302 and 326 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Section 3 of the Explosives Substances Act, 1908 (Act No. 6 of 1908).	Barpeta Road, District Barpeta	
7. 371/2008	Under Sections 120-B, 121, 121A, 302, 323, 325, 326, 307 and 427 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Sections 3 of the Explosives Substances Act, 1908 (Act No. 6 of 1908).	Kokrajhar District Kokrajhar	
8. 372/2008	Under Sections 120-B, 121, 121A, 302, 323, 324, 326, 307 and 427 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Section 3 of the Explosives Substances Act, 1908 (Act No. 6 of 1908).	Kokrajhar District Kokrajhar	
9. 373/2008	Under Sections 120-B, 121, 121A, 302, 323, 324, 326, 307 and 427 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Section 3 of the Explosives Substances Act, 1908 (Act No. 6 of 1908).	Kokrajhar District Kokrajhar	

and any other offence or offences, attempts, abetments and conspiracy in relation to or in connection with abovementioned offences and any other offence/offences committed in the course of same transaction arising out of the same facts and simultaneously launching of criminal prosecution against the guilty persons.

[No. 228/100/2008-AVD-II]

MANISHA SAXENA, Dy. Secy.

कार्यालय मुख्य आयकर आयुक्त, जयपुर

शुद्धि-पत्र

जयपुर, 10 दिसम्बर, 2008

का. आ. 3391.—आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23 सी) के उप-खण्ड (vi) के तहत अधिसूचना सं. 05/2006-07 दिनांक 28-12-06 के द्वारा “डॉ. मदनप्रताप खुंटेटा होम्योपैथिक कालेज, हॉस्पिटल एवं रिसर्च सेंटर, जयपुर” को स्वीकृति दी गई थी। अधिसूचना के पैरा 1 की लाईन 4 एवं 5 में निर्धारण वर्ष 2004-05 के स्थान पर “निर्धारण वर्ष 2004-05 एवं आगे के लिए” पढ़ा जाये।

[क्रमांक: मुआआ/अआआ/(मु)/जय/10(23सी)(vi)/2008-09/3081]

बी. एस. धिल्लों, मुख्य आयकर आयुक्त

OFFICE OF THE
CHIEF COMMISSIONER OF INCOME TAX, JAIPUR
CORRIGENDUM

Jaipur, the 10th December, 2008

S.O. 3391.—In Notification No. 05/2006-07 dated 28-12-2006 vide which “Dr. Madan Pratap Khunteta Homoeopathic College, Hospital and Research Centre, Jaipur” was approved for the purpose of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, the assessment years in Para 1 line 5 may be read as ‘A.Y. 2004-05 and onwards’ instead of A.Y. 2004-05.

[No. CCIT/JPR/Addl.CIT(Hqrs.)/10(23C)(vi)/
2008-09/3081]

B. S. DHILLON, Chief Commissioner
of Income-tax

जयपुर, 11 दिसम्बर, 2008

सं. 12/2008-09

का.आ. 3392.—आयकर नियम, 1962 के नियम 2 सीए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 10 के खण्ड (23 सी) की उप-धारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2006-07 एवम् आगे के लिए कथित धारा के उद्देश्य से “दी एजुकेशन कमेटी ऑफ दी माहेश्वरी समाज (सोसायटी), जयपुर” को स्वीकृति देते हैं।

बशर्ते कि समिति आयकर नियम, 1962 के नियम 2 सीए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उप-खण्ड (23सी) की उप-धारा (vi) के प्रावधानों के अनुरूप कार्य करे।

[क्रमांक: मुआआ/अआआ/(मु)/जय/10(23सी)(vi)/08-09/3094]

बी. एस. ढिल्लों, मुख्य आयकर आयुक्त

Jaipur the 11th December, 2008

No. 12/2008-09

S.O. 3392.—In exercise of the powers conferred by sub-clause (vi) of clause (23 C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves "The Education Committee of the Maheshwari Samaj (Society), Jaipur" for the purpose of said Section for the A. Y. 2006-07 and onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl.CIT(Hqrs.)/10(23C)(vi)/2008 09/3094]

B. S. DHILLON, Chief Commissioner
of Income-tax

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 19 दिसम्बर, 2008

(आयकर)

क्र.आ. 3393.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 36 की उप-धारा (1) के खंड (xii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा योजना के अनुसार संबंधित विकास क्षेत्र में शामिल किए गए क्षेत्रों का विकास करने के लिए आंध्र प्रदेश शहरी क्षेत्र (विकास) अधिनियम, 1975 की धारा 3 के अंतर्गत स्थापित हैदराबाद शहरी विकास प्राधिकरण को उक्त खंड के प्रयोजनार्थ निम्नलिखित शर्तों के अधीन अधिसूचित करती है, अर्थात्:—

(i) व्यय जिसका आयकर अधिनियम, 1961 के अंतर्गत कटौती योग्य के रूप में दावा किया गया है, आंध्र प्रदेश शहरी क्षेत्र (विकास) अधिनियम, 1975 द्वारा प्राधिकृत उद्देश्यों और प्रयोजनों के लिए किया गया है;

(ii) ऐसा व्यय पूंजीगत खर्च के स्वरूप में न हो;

(iii) ऐसा व्यय आयकर अधिनियम, 1961 के किसी अन्य उपबंध के अंतर्गत कटौती के लिए पात्र न हो; और

(iv) उक्त खंड के अंतर्गत दावाकृत व्यय का एक अलग से खाता हैदराबाद शहरी विकास प्राधिकरण द्वारा अनुरक्षित हो।

2. यह अधिसूचना 1 अप्रैल, 2008 से अर्थात् कर-निर्धारण वर्ष 2008-09 तथा परवर्ती कर-निर्धारण वर्षों के लिए लागू होगी।

[अधिसूचना सं. 108/2008/फा.सं. 225/84/2008-आ.क.नि.-II]

रेनु जौहरी, निदेशक आ. क. नि.-II]

MINISTRY OF FINANCE

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 19th December, 2008

(Income Tax)

S.O. 3393.—In exercise of the powers conferred by clause (xii) of sub-section (1) of Section 36 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies for the purposes of the said clause, the Hyderabad Urban Development Authority established under Section 3 of the Andhra Pradesh Urban Areas (Development) Act, 1975, for the development of areas comprised in the Development Area concerned according to plan, subject to the following conditions, namely:—

(i) the expenditure, claimed as deductible under the Income-tax Act, 1961 is incurred for the objects and purposes authorized by the Andhra Pradesh Urban Areas (Development) Act, 1975;

(ii) such expenditure is not in the nature of capital expenditure;

(iii) such expenditure is not eligible for deduction under any other provision of the Income-tax Act, 1961; and

(iv) a separate account of the expenditure claimed under the said clause is maintained by Hyderabad Urban Development Authority.

2. This notification shall be applicable with effect from 1st day of April, 2008, that is, for the assessment year 2008-09 and subsequent assessment years.

[Notification No. 108/2008/F.No. 225/84/2008/ITA-II]

RENU JAUHRI, Director (ITA-II)

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 19 दिसम्बर, 2008

का.आ. 3394.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970/1980 के खंड 3 के उपखंड (1) और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, श्री आर. रामाचन्द्रन (जन्म तिथि 01-01-1952), महाप्रबन्धक, इंडियन बैंक, को उनके पदभार ग्रहण करने की तारीख से और दिनांक 31-12-2011 अर्थात् उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, सिंडिकेट बैंक में पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के पद पर नियुक्त करती है :-

[फा. सं. 9/16/2008-बीओ-1]

जी. बी. सिंह, उप सचिव

(Department of Financial Services)

New Delhi, the 19th December, 2008

S.O. 3394.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri R. Ramachandran, (DoB: 01-01-1952) General Manager, Indian Bank as a whole time Director (designated as Executive Director) Syndicate Bank of with effect from the date of his taking over charge and up to 31-12-2001 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F.No. 9/16/2008-BO-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 19 दिसम्बर, 2008

का.आ. 3395.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970/1980 के खंड 3 के उपखंड (1) और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, श्री प्रदीप रामनाथ (जन्म तिथि 01-10-1951), महाप्रबन्धक, देना बैंक, को उनके पदभार ग्रहण करने की तारीख से और दिनांक 30-9-2011 अर्थात् उनकी अधिवर्षिता की तारीख तक अथवा अगले

आदेशों तक, जो भी पहले हो, सेंट्रल बैंक आफ इण्डिया में पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के पद पर नियुक्त करती है :-

[फा. सं. 9/16/2008-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 19th December, 2008

S.O. 3395.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Pradeep Ramnath, (DoB: 01-10-1951) General Manager, Dena Bank as a whole time Director (designated as Executive Director) Central Bank of India with effect from the date of his taking over charge and up to 30-9-2011 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 9/16/2008-BO-I]

G. B. SINGH, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(दंत शिक्षा अनुभाग)

नई दिल्ली, 26 नवम्बर, 2008

का.आ. 3396.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय की अधिसूचना सं. सा. का. नि. 430 में निम्नलिखित संशोधन करती है ; अर्थात् :-

“खंड 3 के परन्तुक के साथ पठित खंड (क) के अंतर्गत निर्वाचित” शीर्षक के अंतर्गत उक्त अधिसूचना में क्रम सं. 4 तथा उससे संबंधित प्रविष्टियों के संबंध में निम्नलिखित को शामिल किया जाएगा, :

“4. डा. योगेश कुमार	निर्वाचित	दिल्ली दंत 18-7-2007”
विरमानी फ्लैट नं. 260,		चिकित्सा
पॉकेट सी-8 सेक्टर-8,		परिषद्
रोहिणी, दिल्ली-110085		

[फा. सं. वी. 12025/23/2007-डी ई]

राज सिंह, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE**(Dental Education Section)**

New Delhi, the 26th November, 2008

S.O. 3396.—In exercise of the powers conferred under section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. SO. 430 dated 24th January, 1984 namely :

In the said notification under head "Elected under clause (a) read with proviso to Section 3" for Serial No. 4 and the entries relating thereto, the following shall be substituted therein, namely :

"4 Dr. Yogesh Kumar Elected Delhi 18-7-2007"
Virmani Flat No. 260, Dental
Pocket C-8 Sector-8, Council
Rohini, Delhi-110085

[F. No. V. 12025/23/2007-DE]

RAJ SINGH, Under Secy.

नई दिल्ली, 1 दिसम्बर, 2008

का.आ. 3397.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय की अधिसूचना सं. 430 तारीख 24 जनवरी, 1984 में एतद्वारा निम्नलिखित संशोधन करती है ; नामतः :

उक्त अधिसूचना में " धारा 3 के परन्तुक के साथ पठित खंड (क) के अधीन निर्वाचित " शीर्षक के अंतर्गत क्रमांक 48 एवं उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित को रखा जाएगा, नामतः :

"8. डा. रणखे श्रीकान्त निर्वाचित महाराष्ट्र दंत 12-11-07"
सीताराम एट/पोस्ट चिकित्सा
मन्जारदे, तालुक तासगांव, परिषद्
सांगली-416317
महाराष्ट्र

[फा. सं. वी. 12013/2/2007-डी ई]

राज सिंह, अवर सचिव

New Delhi, the 1st December, 2008

S.O. 3397.—In exercise of the powers conferred under section 3 of the Dentists Acts, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. SO. 430 dated 24th January, 1984 namely :

In the said notification under head "Elected under clause (a) read with proviso to Section 3" for Serial No. 8 and the entries relating thereto, the following shall be substituted therein, namely :

"8 Dr. Rankhambe Elected Maharashtra 12-11-2007"
Shrikant Sitaram At/ Dental
Post Manjarde, Taluka Council
Tasgaon Sangli-416317,
Maharashtra

[F. No. V. 12013/2/2007-DE]

RAJ SINGH, Under Secy.

नई दिल्ली, 17 दिसम्बर, 2008

का.आ. 3398.—केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1)(ख) के उपबंध के अनुसरण में टी. आर. बोरबोराह, प्रधानाचार्य, असम मेडिकल कालेज, डिब्रुगढ़ कायचिकित्सा संकाय के सदस्य को डिब्रुगढ़ विश्वविद्यालय की सभा द्वारा इस अधिसूचना के जारी होने की तारीख से 7-12-2010 तक भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में सर्वसम्मति से निर्वाचित किया जाता है :-

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में, केन्द्र सरकार एतद्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना सं. का. आ. 138 में निम्नलिखित और संशोधन करती है ; अर्थात् :-

उक्त अधिसूचना में शीर्षक " धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित " के अंतर्गत क्रम संख्या. 35 के सामने निम्नलिखित प्रविष्टियां रखी जाएंगी ; अर्थात् :-

"33. डा. टी. आर. बोरबोराह, डिब्रुगढ़ विश्वविद्यालय
प्रधानाचार्य,
असम मेडिकल कालेज,
डिब्रुगढ़

[सं. वी. 11013/1/2008-एम ई (नीति-I)]

वी. के. शर्मा, अवर सचिव

New Delhi, the 17th December, 2008

S.O. 3398.—Whereas in pursuance of the provision of sub-section (1) (b) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. T.R. Borborah, Principal, Assam Medical College, Dibrugarh, a member of the faculty of medicine has been elected unanimously by the Court of the Dibrugarh University to be a member of the Medical Council of India with effect from the date of issue of this notification upto 07-12-2010.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely:—

In the said Notification, under the heading, "Elected under clause (b) of sub-section (1) of Section 3", against serial number 35, the following entries shall be substituted, namely:—

"35. Dr. T.R. Borborah, Dibrugarh University"
Principal,
Assam Medical College,
Dibrugarh.

[No. V. 11013/1/2008-ME (PI)]
V. K. SHARMA, Under Secy.

नई दिल्ली, 17 दिसम्बर, 2008

का.आ. 3399.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1)(ख) के उपबन्ध के अनुसरण में डा. डी. हजारिका, कायचिकित्सा के सदस्य डिब्रूगढ़ विश्वविद्यालय को डिब्रूगढ़ विश्वविद्यालय की सीनेट द्वारा दिनांक 23-05-2006 से भारतीय आयुर्विज्ञान परिषद् के एक सदस्य के रूप में निर्वाचित किया गया था।

भारतीय आयुर्विज्ञान परिषद् ने सूचित किया है कि डा. डी. हजारिका जो भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 की धारा 3 (1)(ख) के अधीन डिब्रूगढ़ विश्वविद्यालय का प्रतिनिधित्व कर रहे हैं, की डिब्रूगढ़ विश्वविद्यालय के कायचिकित्सा संकाय की सदस्यता दिनांक 16-10-2007 से समाप्त हो गई है। अतः डिब्रूगढ़ विश्वविद्यालय का प्रतिनिधित्व करने वाले डा. डी. हजारिका की भारतीय आयुर्विज्ञान परिषद् की सदस्यता समाप्त हो गई है।

इसलिए अब उक्त अधिनियम की धारा 7 की उपधारा (3) के अनुसरण में डिब्रूगढ़ विश्वविद्यालय का प्रतिनिधित्व करने वाले डा. डी. हजारिका की भारतीय आयुर्विज्ञान परिषद् की सदस्यता को दिनांक 16-10-2007 से समाप्त हुआ समझा जाएगा।

[सं. वी. 11013/1/2008 एम ई (नीति-1)]

वी. के. शर्मा, अवर सचिव

New Delhi, the 17th December, 2008

S. O. 3399.—Whereas in pursuance of the provision of sub-section (1) (b) of Section 3 of the Indian Medical Act, 1956 (102 of 1956), Dr. D.Hazarika, a member of the faculty of Medicine, Dibrugarh University was elected by

the Senate of the Dibrugarh University to be a member of the Medical Council of India with effect from 23-05-2006.

Whereas the Dibrugarh University has informed that Dr. D.Hazarika who is representing Dibrugarh University under Section 3(1) (b) of IMC Act, 1956 has ceased to be a member of medical faculty of Dibrugarh University with effect from 16-10-2007. Therefore, Dr. D.Hazarika has ceased to be a member of Medical Council of India representing Dibrugarh University.

Now, therefore, in pursuance of the provision of sub-section (3) of Section 7 of the said Act, Dr. D. Hazarika shall be deemed to have ceased to be a member of the Medical Council of India representing Dibrugarh University with effect from the date 16-10-2007.

[No. V. 11013/1/2008-ME (Policy-I)]

V. K. SHARMA, Under Secy.

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 17 दिसम्बर, 2008

का.आ. 3400.—केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (क) के अनुसरण में और राजस्थान सरकार से परामर्श करने के बाद डॉ. राजा बाबू पंवार, प्रोफेसर तथा हृदय रोग विज्ञान विभाग के अध्यक्ष, एवं प्राचार्य एवं नियंत्रक, एस. पी. मेडिकल कॉलेज, बीकानेर को 1-1-2009 से पांच वर्षों के लिए भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में मनोनीत किया है :-

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्ध के अनुसरण में, केन्द्र सरकार एतद्द्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना सं. का. आ. 138 में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खण्ड (क) के अधीन मनोनीत" शीर्षक के अंतर्गत क्रम संख्या 4 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :-

"4. डा. राजा बाबू पंवार, राजस्थान सरकार"
प्रोफेसर तथा विभागाध्यक्ष,
हृदय रोग विज्ञान एवं प्राचार्य एवं नियंत्रक,
एस.पी. मेडिकल कॉलेज,
बीकानेर

[सं. वी.-11013/2/2007-एम ई (नीति-1)]

वी. के. शर्मा, अवर सचिव

(Department of Health and Family Welfare)

New Delhi, the 17th December, 2008

S. O. 3400.—Whereas the Central Government, in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Rajasthan have nominated Dr. Raja Babu Panwar, Professor and Head of Department of Cardiology, and the Principal & Controller, S.P. Medical College, Bikaner to be a member of the Medical Council of India for five years with effect from 1-1-2009.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely :—

In the said Notification, under the heading, "Nominated under clause (a) of sub-section (1) of Section 3", for serial number 4 and the entries thereto, the following entries shall be substituted, namely :—

"4 Dr. Raja Babu Panwar, Government of Rajasthan"
Professor and Head of Department
of Cardiology and the Principal & Controller,
S.P. Medical College,
Bikaner

[No. V.-11013/2/2007-ME(Policy-I)]

V. K. SHARMA, Under Secy.

पोत-परिवहन, सड़क-परिवहन और राजमार्ग-मंत्रालय

(पोत-परिवहन-विभाग)

नई दिल्ली, 28 नवम्बर, 2008

का.आ. 3401.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उपनियम 4 के अनुसरण में पोत-परिवहन, सड़क परिवहन और राजमार्ग-मंत्रालय, पोत-परिवहन-विभाग के प्रशासनिक नियंत्रण के अधीन निम्नलिखित कार्यालयों में 80% से अधिक कर्मचारियों द्वारा हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लेने पर उसे एतद्वारा अधिसूचित करती है :—

1. क्षेत्रीय अधिकारी(पाल),

प्रतिष्ठा भवन,

101-महर्षि कर्वे रोड

मुम्बई-400020

2. भारतीय नौवहन निगम लि.,

गति कोस्ट टू कोस्ट बिल्डिंग,

नं. 99, जवाहरलाल नेहरू रोड,

देलानीपुर, पोर्ट ब्लेयर-744102

[फा. सं. ई-11011/15/2008-हिन्दी]

राकेश श्रीवास्तव, संयुक्त सचिव

**MINISTRY OF SHIPPING, ROAD TRANSPORT
AND HIGHWAYS****(Department of Shipping)**

New Delhi, the 28th November, 2008

S. O. 3401.—In pursuance of the sub rule(4) of the rule 10 of the Official Language (Use for the Official Purpose of the Union) Rules, 1976 (as amended 1987), the Central Government hereby notifies the following Offices under the administrative control of the Ministry of Shipping, Road Transport and Highways, Department of Shipping, more than 80% of the staff of which have acquired working knowledge of Hindi :—

1. Regional Officer (Sails),

Pratishtha Bhavan,

101-M. K. Road,

Mumbai- 400020

2. Shipping Corporation of India Ltd.,

Gati Coast-to-Coast Building,

No. 99, Jawaharlal Nehru Road,

Delanipur, Port Blair-744102

[F.No. E-11011/15/2008- Hindi]

RAKESH SRIVASTAVA, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

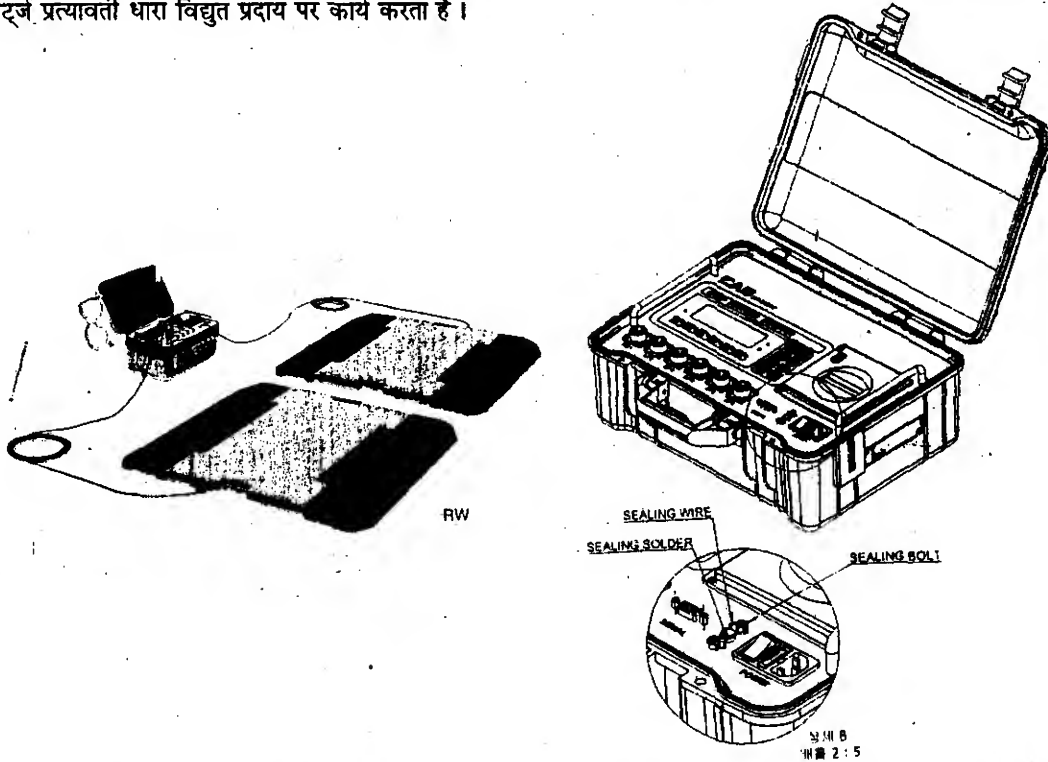
(उपभोक्ता मामले विभाग)

नई दिल्ली, 7 जुलाई, 2008

का.आ. 3402.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स केस वेइंग इंडिया प्रा. लि. 568 उद्योग विहार, फेज V, गुडगांव, हरियाणा-122016 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'आर डब्ल्यू' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (स्टैटिक रोड वैंयर, या तो एक्सल को एक्सल द्वारा या सारे एक्सल एक साथ) के मॉडल का, जिसके ब्रांड का नाम "केस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/ 09/07/271 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



लीड सील एवं तार द्वारा सीलिंग की जायेगी। इंडिकेटर के ऊपर व सीलिंग बोल्ट में से तार निकाला जायेगा। मॉडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(119)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

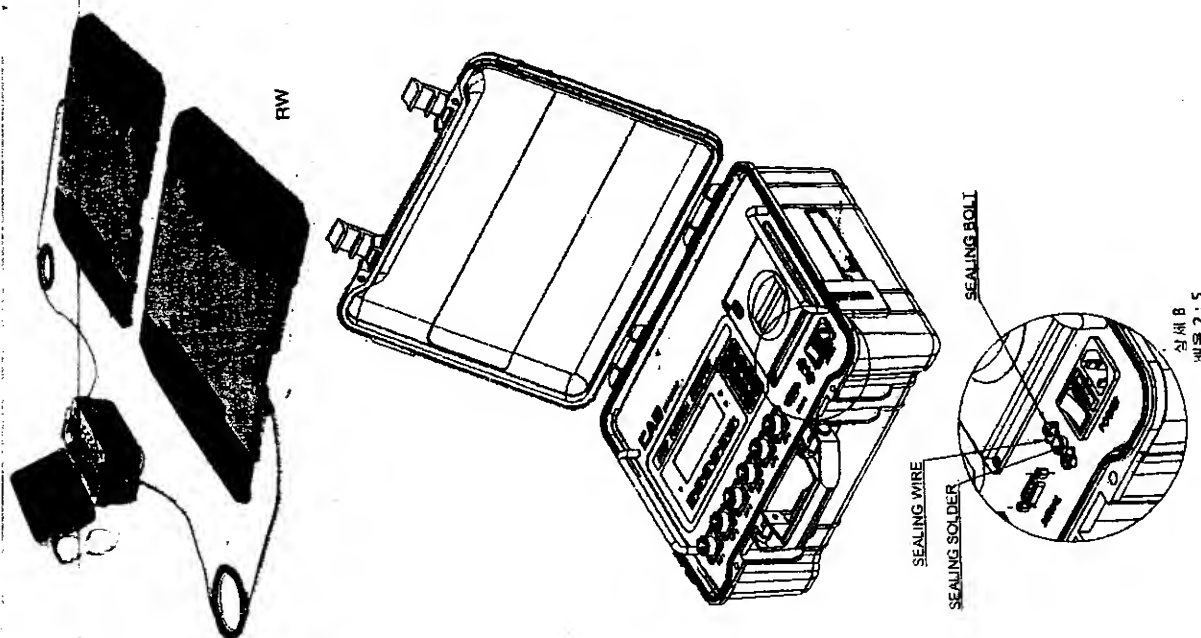
(Department of Consumer Affairs)

New Delhi, the 7th July, 2008

S.O. 3402.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (static road weigher, either axle by axle or all axle together) with digital indication of medium accuracy (Accuracy Class-III) of series "RW" and with brand name "CAS" (hereinafter referred to as the said Model), manufactured by M/s. Cas Weighing India Pvt. Ltd., No. 568, Udog Vihar, Phase-V, Gurgaon-122 016, Haryana and which is assigned the approval mark IND/09/07/271;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 60 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. The said model is used for static weighing of vehicle either axle by axle or all axles together depending upon the number of pads. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Sealing shall be done through wire and lead seal. The wire is passing through sealing bolt and upper case of the indicator. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (119)/2007]

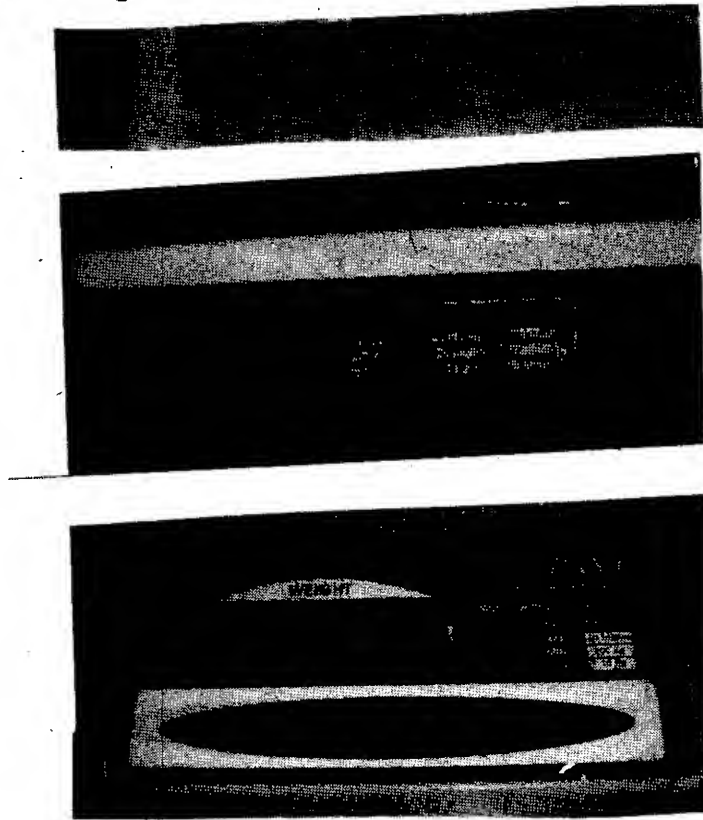
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2008

का.आ. 3403.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रेसिशन हाना स्केल्स प्रा. लि., 136-ए, केनाल रोड, "आनन्द", रामदासपेट, नागपुर-440010, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एच डब्ल्यू बी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "हाना" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी /09/08/17 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 60,000 कि.ग्रा. है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयुतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयुतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



इंडिकेटर के दोनों तरफ और ऊपरी कवर और बेस में छेद कर के इंडिकेटर पर सीलिंग की गई है और इन छेदों में से लीड तार निकाल कर उसे लीड सील से सील किया जाएगा। उपकरण को छेड़छाड़ किए बिना खोला नहीं जा सकता। मॉडल की सीलिंग व्यवस्था का स्कीमवार डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5,000 कि.ग्रा. से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(296)/2004]

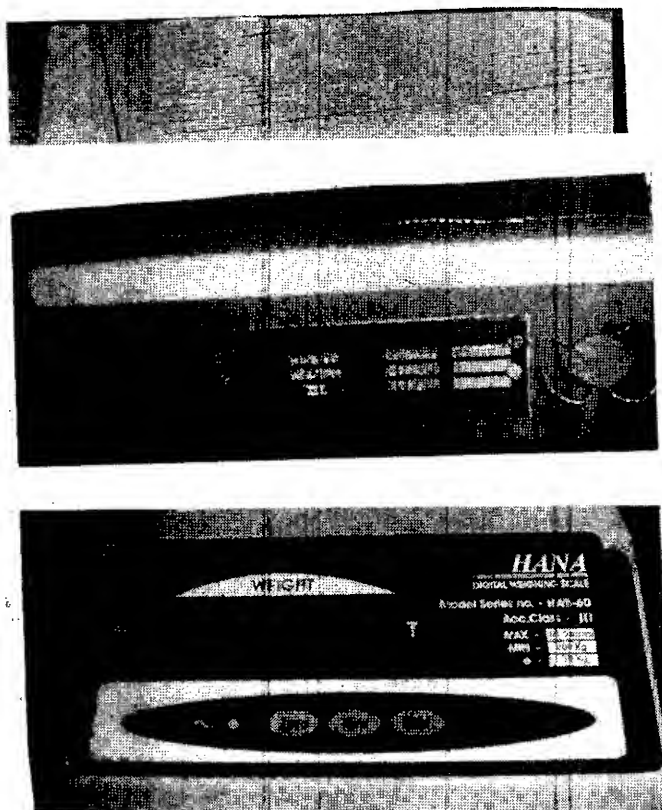
आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2008

S.O. 3403.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of "HWB" series of medium accuracy (Accuracy Class-III) and with brand name "HANA" (hereinafter referred to as the said Model), manufactured by M/s. Precision Hana Scales Pvt. Ltd., 136-A, Canal Road, "Anand", Ramdaspath, Nagpur-440010, Maharashtra and which is assigned the approval mark IND/09/08/17;

The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 60000kg. and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



The sealing is provided on the indicator by making a hole each on both sides of the indicator, and top over and base of the indicator, and then passing a leaded wire fastened to these holes and sealing it with leaded seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the Model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity between 5000kg. and upto 150 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (296)/2004]

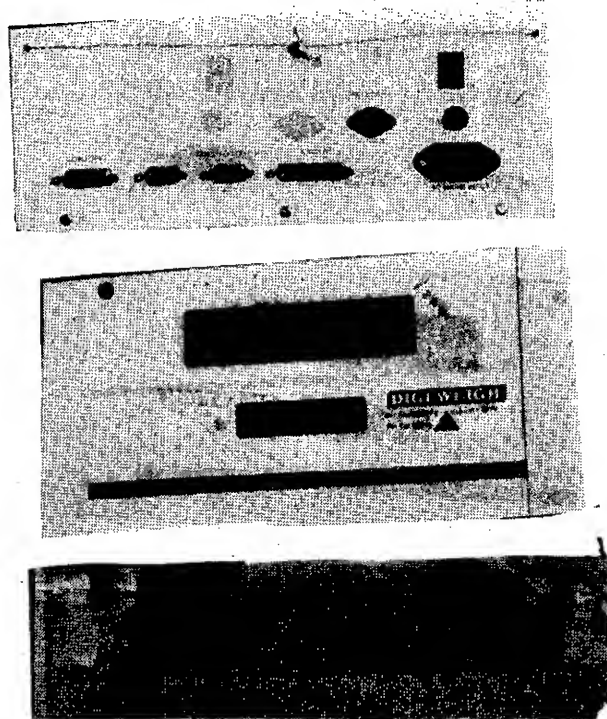
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2008

का.आ. 3404.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डिगीवेह, अजीत होटल के पीछे, मेडीकल कॉम्प्लैक्स, तेलीपाड़ा, बिलासपुर-495001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एस डब्ल्यू' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डिगीवेह" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/06/565 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल भार सेल आधारित तोलन उपकरण है इसकी अधिकतम क्षमता 40000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



इंडिकेटर के सामने और तथा पीछे की प्लेट पर सीसायुक्त तार को ढांचे पर कसते हुए तथा सीसायुक्त सील से सील किया जाएगा। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5000 कि.ग्रा. से 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(158)/2006]

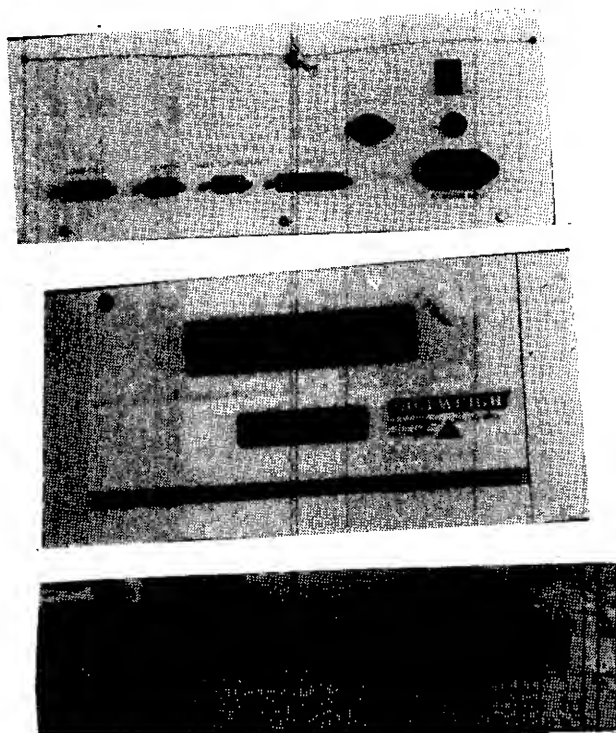
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2008

S.O. 3404.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "SW" series of medium accuracy (Accuracy Class-III) and with brand name "DIGIWEIGH" (herein referred to as the said Model), manufactured by M/s. Digiweigh, Behind Hotel Ajit, Medical Complex, Telipara, Bilaspur-495 001, Chattisgarh and which is assigned the approval mark IND/09/06/565;

The said model is a load cell based weighing instrument with a maximum capacity of 4000 kg. and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



The sealing is provided on the front side and back plate of the indicator by passing a leaded wire fastened to the body and sealing it with leaded seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity between 5000kg. and upto 150 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (158)/2006]

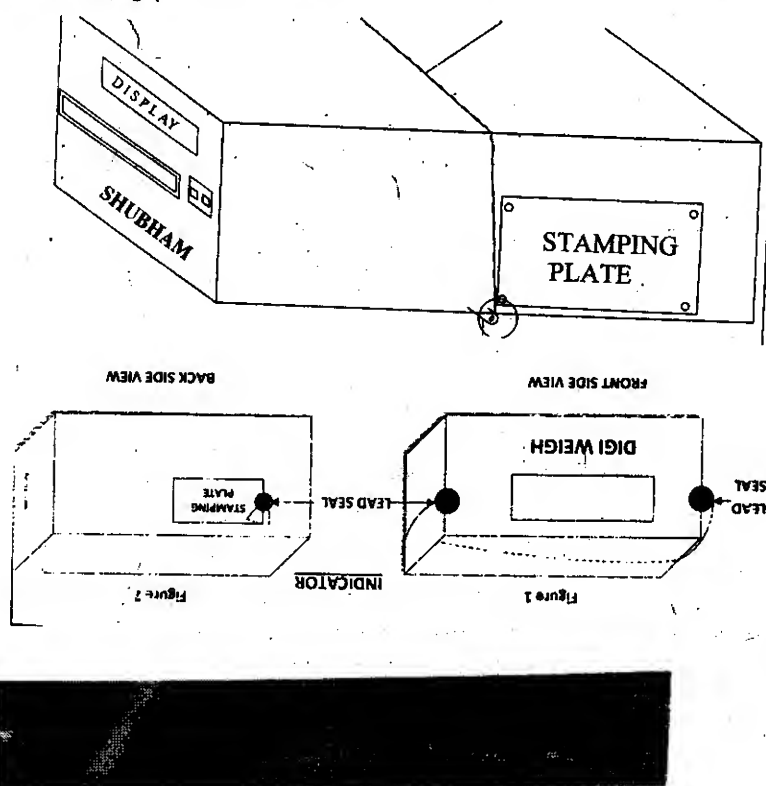
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2008

का.आ. 3405.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेटी स्केल प्रा. लि., एम आईजी-189, एम पी एच बी कालोनी, भारत माता स्कूल के सामने, तटीबंध, रायपुर, छत्तीसगढ़ द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले 'एस डब्ल्यू' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेजिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शुभम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी /09/08/226 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 50,000 कि.ग्रा. है और न्यूनतम क्षमता 250 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत् पर कार्य करता है।



इंडिकेटर की बॉडी से बंधी लीड तार द्वारा सीलिंग प्रदान की गई है और लीड सील से सील किया गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(154)/2006]

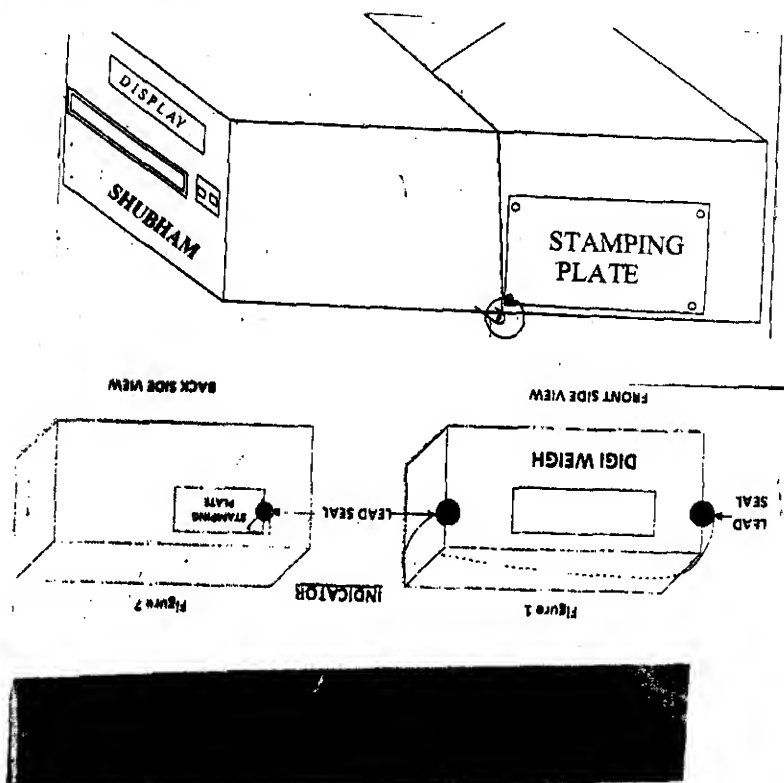
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18 August, 2008

S.O. 3405.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "SW" series of high accuracy (Accuracy Class-II) and with brand name "SHUBHAM" (hereinafter referred to as the said Model), manufactured by M/s. Weightec Scale Pvt. Ltd., MIG-189, M.P.H.B. Colony, Opp. Bharat Mata School, Tatibandh, Raipur, Chattisgarh and which is assigned the approval mark IND/09/08/226;

The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 50000kg. and minimum capacity of 250kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



The sealing is provided on the indicator by passing a lead wire fastened to the body and sealing it with lead seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity above 5 tonne and upto 150 tonne with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (154)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 11 दिसम्बर, 2008

का.आ. 3406.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वे स्थापित हो गये हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15825 (भाग 2): 2008 डोपियन कच्चा रेशम-ग्रेडिंग और परीक्षण पद्धतियां भाग 2 देखकर जाँच करना	लागू नहीं	सितंबर, 2008
2.	आई एस 15825 (भाग 3): 2008 डोपियन कच्चा रेशम-ग्रेडिंग और परीक्षण पद्धतियां भाग 3 विशेष दोषों का ज्ञात करना	लागू नहीं	सितंबर, 2008
3.	आई एस 15825 (भाग 4): 2008 डोपियन कच्चा रेशम-ग्रेडिंग और परीक्षण पद्धतियां भाग 4 लपेटन परीक्षण करना	लागू नहीं	सितंबर, 2008
4.	आई एस 15825 (भाग 5): 2008 डोपियन कच्चा रेशम-ग्रेडिंग और परीक्षण पद्धतियां भाग 5 औसत साइज़ और साइज़ एकरूपता की रेंज	लागू नहीं	सितंबर, 2008

अब यह भारतीय मानक बिक्री के लिये उपलब्ध होंगे।

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो के मुख्यालय, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टीएक्सडी. /जी -25]

पी. भटनागर, वैज्ञानिक ई एवं प्रमुख (टीएक्सडी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 11th December, 2008

S.O. 3406.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15825 (Part 2): 2008 Dupion Raw Silk—Grading and Methods of Test Part 2 Visual Examination	N.A.	September, 2008
2.	IS 15825 (Part 3): 2008 Dupion Raw Silk—Grading and Methods of Test Part 3 Determination of Special Defects	N.A.	September, 2008

(1)	(2)	(3)	(4)
3.	IS 15825 (Part 4) : 2008 Dupion Raw Silk— Grading and Methods of Test Part 4 Conducting Winding Test	N.A.	September, 2008
4.	IS 15825 (Part 5) : 2008 Dupion Raw Silk— Grading and Methods of Test Part 5 Determination of Average Size and Size Uniformity Range	N.A.	September, 2008

Henceforth, these standards will be available for sale.

Copies of these Standards are available for sale with H.Q. at Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices at : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices at : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TXD/G-25]

P. BHATANAGAR, Scientist 'E' & Head (Textiles)

नई दिल्ली, 16 दिसम्बर, 2008

का.आ. 3407.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
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(1)	(2)	(3)	(4)
1.	आईएस 60534-2-1- औद्योगिक-प्रक्रम नियंत्रण वाल्व भाग 2 प्रवाह क्षमता अनुभाग 1 संस्थापित स्थिति में तरल प्रवाह के साइजिंग के समीकरण	आईएस 10189 (पार्ट 2/सेक्शन 1) : 1992	30 सितम्बर, 2008

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी-18/टी-90]

प्रकाश बचानी, वैज्ञानिक ई एवं प्रमुख (विद्युत तकनीकी वि.)

New Delhi, the 16th December, 2008

S.O. 3407. —In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS/IEC 60534-2-1 Industrial-process control valves : Part 2 Flow Capacity Section 1 Sizing Equations for fluid flow under installed conditions	Superseding IS 10189 (Part 2/Sec 1): 1992 Industrial process control valves : Part 2 Flow capacity, Section 1 Sizing equations for incompressible fluid flow under installed conditions	30 September, 2008

Copy of this Standard is available for sale with Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices :

Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET-18/T-90]

PRAKASH BACHANI, Sc-'E' Head (Electrotechnical Department)

नई दिल्ली, 16 दिसम्बर, 2008

का.आ. 3408.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस/आईसी 62271-200 : 2003 उच्च-वोल्टता के स्विचगियर और नियंत्रणगियर : भाग 200 1 कि वो से ज्यादा तथा 52 कि वो तक की रेटित वोल्टता के लिए ए सी धातु के खोलबंद स्विचगियर और नियंत्रणगियर		सितम्बर, 2008

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी-08/टी-41]

प्रकाश बचानी, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी वि.)

New Delhi, the 16th December, 2008

S.O. 3408.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies the Indian Standard to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS/IEC 62271-200:2003 High voltage switchgear and controlgear : Part 200 AC metal-enclosed switchgear and controlgear for rated voltages above 1 kV and up to and including 52 kV		September, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET-08/T-41]

PRAKASH BACHANI, Sc-'E' Head (Electrotechnical Department)

नई दिल्ली, 16 दिसम्बर, 2008

का.आ. 3409.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस/ 15868:2008 (भाग 1-6) प्राकृतिक रेशों के भूवस्त्र (पटसन के भूवस्त्र और नारियल जटा के भूवस्त्र-जॉच की पद्धतियाँ)	—	दिसम्बर, 2008
2.	आईएस/ 15869 : 2008 वस्त्रादि-ओपन वीव नारियल जटा के भूवस्त्र-विशिष्ट	—	दिसम्बर, 2008

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टीएक्सडी/जी-25]

पी. भटनागर, निदेशक एवं प्रमुख (वस्त्रादि)

New Delhi, the 16th December, 2008

S.O. 3409.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & Year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 15868 (part 1 to 6): 2008 Natural Fiber Geotextiles (Jute Geotextile and Coir Bhoovastra)—Methods of Test	—	December, 2008
2	IS 15869 : 2008 Textile—Open Weave Coir Bhoovastra—Specification	—	December, 2008

Copy of this Standard is available for sale with H. Q. at Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices at New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TXD/G-25]

P. BHATNAGAR, SC. 'E' & HEAD (Textiles)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 27 नवम्बर, 2008

का. आ. 3410.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पोरेशन लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, मुम्बई के पंचाट (संदर्भ सं. 13/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-11-2008 को प्राप्त हुआ था।

[सं. एल-20040/95/1995-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th November, 2008

S.O. 3410.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref.No.13/1997) of the Central Government Industrial Tribunal/Labour Court, No. 1, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Bharat Petroleum Ltd, and their workmen, which was received by the Central Government on 27-11-2008.

[No.L-20040/95/1995-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI**

JUSTICE C. P. MISHRA, Presiding Officer

Reference No. CGIT-1/13 of 1997

Parties : Employers in relation to the management of Bharat Petroleum Corporation Ltd.

AND

Their Workman.

APPEARANCES

For the Management : Mr. R.S. Pai, Advocate

For the Workman : Mr. J.P. Sawant, Advocate

State : Maharashtra

Mumbai, dated the 14th day of November 2008

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1

of Section 10 of the Industrial Disputes Act, 1947 (The act for short) vide Government of India, Ministry of Labour, New Delhi, Order No. L-20040/95/1995-IR(C-I) dated 24/25-2-1997. The terms of reference given in the schedule are as follows :

"Whether the action of the management of Bharat Petroleum Corporation Ltd, in terminating the services of Shri M.R. Misal from the service w.e.f. 7-6-1993 is justified? If not, what relief should be granted ?"

2. An application on behalf of both the parties through their counsel Shri J.P. Sawant, Adv. for the workman and Shri R.S. Pai, Adv. for the management informed that the parties on this reference having settled their matter in reference to the Minutes of the Order dated 14-10-2008 passed by the Hon'ble High Court of Bombay in Writ Petition No. 2844 of 2005. A copy of the order is annexed herewith. It is prayed that the above reference as such, be disposed of in terms of the said order.

Considering the aforesaid facts and submissions made by the parties and in terms of the order passed by the Hon'ble High Court of Bombay the matter is disposed of by passing a "No Dispute Award" accordingly and the minutes of the order shall form a part of this order.

JUSTICE C.P. MISHRA, Presiding Officer

IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No. 2844 of 2005

Bharat Petroleum Corporation Ltd. ... Petitioner

Vs.

Petroleum Employees' Union ... Respondent

Coram : Shri A. M. Khanvilkar J.

Dated : 14-10-2008

MINUTES OF THE ORDER

1. By consent of parties, the impugned order dated 28-4-2004 is quashed and set aside and substituted by the following order :
2. The Petitioner Corporation agrees to pay the workman Shri Mohan Raghunath Misal an ex-gratia amount of Rs. 6,50,000 Net of tax (Rupees Six Lakhs Fifty Thousand Only) in full and final settlement of all his claims, including any claim for reinstatement or re-employment within four weeks from the date of this Order. All other applicable Terminal Benefits would be paid as per law on submission of forms duly signed by the Respondent workman.

3. The Respondent Union and the workman acceptable the aforesaid payment in full and final settlement of all claims of the workman and confirmed that on receipt of the said payment, they will have no claim of whatsoever nature against the Corporation including any claim for re-instatement or re-employment.
4. The workman and the Respondent Union hereby withdraw the pending Reference being Reference (IT) No. 1/13 of 1997 before the Central Government Industrial Tribunal No. 1 at Mumbai and agree to file an application to that effect before CGIT No. 1 at Mumbai.

The Petition is disposed of in terms of the above Minutes of the Order with no order as to costs.

AJIT PRASAD, Petitioner (Ch. Manager Emp. Relns.)

SATISH KUMAR, P. M. NAIR, Respondent Union
(General Secretary,

R. S. PAI, Advocate for Petitioner

MOHAN R. MISAL, (Workman above named)

J. P. SAWANT, Advocate for Respondent Union.

नई दिल्ली, 28 नवम्बर, 2008

का. आ. 3411.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या नं. 1, धनबाद के पंचाट (संदर्भ सं. 247/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2008 को प्राप्त हुआ था।

[सं. एल-20012/180/1990-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 28th November, 2008

S.O. 3411.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 247/1990) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 28-11-2008.

[No. L-20012/180/1990-IR(C-1)]

SN'EH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 247/1990

Employers in relation to the management of Murulidih 20/21 Pits Colliery of M/s. B.C.C.Ltd.

And

Their Workmen.

PRESENT:

SHRI H. M. SINGH, Presiding Officer

APPEARANCES

For the Employers : None

For the Workman : None

State : Jharkhand Industry : Coal

Dated the 11th November, 2008

AWARD

1. By Order No. L-20012/180/1990-IR(Coal-I) dated 1-10-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Murulidih 20/21 Pits in Mahuda Area No. II of M/s. Bharat Coking Coal Ltd. is justified in dismissing from service Shri Janki Roy, ex- Pump Khalasi w.e.f. 10/13-10-1989? If not, to what relief the concerned workman is entitled?"

2. The order of reference was received in this Tribunal on 11-10 1990. After notice, the parties filed their respective written statement and rejoinder. Thereafter since 3-8-1995 neither the sponsoring union nor the concerned workman is not appearing to take any step. I, therefore, appears that the concerned workman is not interested to contest the case.

3. Under such circumstances, I Pass a 'No Dispute' award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2008

का. आ. 3412.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पूर्व-फौजी ट्रांसपोर्टर प्रा. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या नं. 1, धनबाद के पंचाट (संदर्भ सं. 55/1984) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2008 को प्राप्त हुआ था।

[सं. एल-20012/44/1984-डी-III (ए)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 28th November, 2008

S.O. 3412.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 55/1984) of the Central Government Industrial Tribunal/Labour Court, No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Ex-Fauji Transporters (P) Ltd. and their workman, which was received by the Central Government on 28-11-2008.

[No. L-20012/44/1984-D-III(A)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 55/1984

Employers in relation to the management of Ex-Fauji Transporters (P) Ltd.

And

Their Workmen.

Present : Shri H. M. SINGH, Presiding Officer

APPEARANCES

For the Employers : Shri D. K. Verma, Advocate

For the Workman : None

State : Jharkhand Industry : Coal

dated the 12th November, 2008

AWARD

1. By Order No. L-20012/44/1984-D. III(A) dated 13-8-1984 the Central Government in the Ministry of

Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of M/s. Ex-Fauji Transporters (P) Ltd. in Sudamdih Area of M/s. Bharat Coking Coal Ltd., P.O. Sudamdih, Dist. Dhanbad, in refusing employment to the workmen named in the Annexure below with effect from 5-9-1983 is justified? If not, to what relief the concerned workmen are entitled?”

ANNEXURE

Sl. No. Name of the Workmen.

1. Sri Jai Singh.
2. Sri Padmakar Mishra.
3. Sri Rameshwer Prasad Singh.
4. Sri Rabi Lal Jushi.
5. Sri Dharmindra Kumar.
6. Sri Sashi Dharan Pillai.
7. Sri Tek Narayan Yadav
8. Sri Hari Kishan Bhatt
9. Sri Rasik Lal Thakur
10. Sri Ram Chandra Singh.
11. Sri Hirdya Sunder Trivedi.
12. Sri Mohammed Sabir.
13. Sri Shevpujan Bai.
14. Sri Nar Singh.
15. Sri Dhyan Singh.
16. Sri Harbans Lakra.
17. Sri Mohammed Ali Ahmed Ansari.
18. Sri Naresh Mistri.
19. Md. Aslam
20. Sri Chandrik Prasad Singh.
21. Md. Asraf Ali.
22. Md. Ali Sher.
23. Md. Mustaque Ahmed.
24. Sri Sita Ram.
25. Sri Murthi Dharan Nair.
26. Sri Mahesh Ray.

27. Sri Disdeshwari Singh.
28. Sri Aswani Kumar Dubey.
29. Sri Anant Singh.
30. Sri Rajendra Pandey.
31. Sri Shamsher Yadav.
32. Sri Upendra Pandey.
33. Sri Ganga Yadav.
34. Sri Achchelal Yadav.
35. Sri Gulam Mustafa Mallik.
36. Sri Dewan Ram.
37. Md. Neer Bussan.
38. Sri Birendra Kumar Ray.
39. Sri Ram Pravesh Sharma.
40. Sri Dinanath Yadav.
41. Sri Kashi Nath Yadav.
42. Sri Dharam Chand.
43. Sri Shew Dahin Ram.
44. Sri Satendra Nath.
45. Sri Lal Bahadur Thapa.
46. Sri Madan Yadav.
47. Sri Bejnath Prasad.
48. Sri Nand Kishore Singh.
49. Sri Jagdish Ram.
50. Sri Lakchhim Prasad Yadav.
51. Sri Bagirat Yadav.
52. Sri Lakhan Das.
53. Sri Haradhan Modak.
54. Sri Bijay Bouri.

2. This reference case was received in this Tribunal on 23-8-1984. After notice both parties filed their respective written statements, rejoinders and documents. They also led their evidence. Thereafter the case was fixed for hearing argument on merit on 11-10-1996. But since then neither the concerned workmen nor the sponsoring union took any step to contest the case.

3. Thereafter, two notices were sent to the Union/ Workmen, but none has appeared nor any step has been taken by them.

4. Since the case is very old nature and no one is appearing for the workmen to argue the case, it seems that neither the sponsoring union nor the concerned workmen are interested to contest the case.

5. In such circumstances, I pass 'No Dispute' Award in the present case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2008

का. आ. 3413.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. प्रदीप हार्ड कोक इन्डस्ट्री के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या 1, धनबाद के पंचाट (संदर्भ सं. 89/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2008 को प्राप्त हुआ था।

[सं. एल-20012/698/1997-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 28th November, 2008

S.O. 3413.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 89/1998) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Pradip Hard Coke Industry and their workmen, which was received by the Central Government on 28-11-2008.

[No. L-20012/698/1997-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference U/s. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 89 of 1998

Employers in relation to the management of Pradip Hard Coke Industry

And

Their Workmen.

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Management : None

For the Workmen : None

Dated the 10th November, 2008

AWARD

1. By Order No. L-20012/698/1997-IR(Coal-I) dated 10-9-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Pradip Hard Coke Industry, Ratanpur, G. T. Road, Govindpur, Dhanbad in stopping S/Shri Naresh Mahato, Bholi Mahato, Ayodhya Mahato, Inderdeo Mahato, Bishnudeo Pandit from their work is legal and justified? If not, to what relief the workmen are entitled?”

2. The order of reference was received in this Tribunal on 21-9-1998 and thereafter notices were issued to both the parties for their appearance and also for filing written statement by the workmen. Therefore, several adjournments were given to the workmen for filing their statement but no step was taken.

3. It appears from the record that one Shri Vijay Ram, Secretary of the sponsoring union appeared on 27-3-2008 and prayed for time for filing written statement on behalf of the workmen. But no step has been taken by him. Therefore, it appears that neither the sponsoring union nor the concerned workmen are interested to contest the case.

4. In such circumstances, I render a ‘No Dispute’ Award in the present reference case.

H.M. SINGH, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2008

का. आ. 3414.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या 1, धनबाद के पंचाट (संदर्भ सं. 66/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2008 को प्राप्त हुआ था।

[सं. एल-20012/432/1998-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 28th November, 2008

S.O. 3414.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No.66/1999) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 28-11-2008.

[No. L-20012/432/1998-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of a reference U/s. 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 66 of 1999

Employers in relation to the management Dhansar Colliery of Kusunda Area of M/s. B.C.C.Ltd.

And

Their Workmen.

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Shri U. N. Lal, Advocate.

For the Workman : None

State : Jharkhand Industry : Coal

Dated the 11th November, 2008

AWARD

1. By Order No. L-20012/432/1998-IR(Coal-I) dated 21-4-1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Dhansar Colliery of Kusunda Area of M/s. B.C.C.Ltd. in terminating the service of Sh. Anand Modi, Tandal w.e.f. 21-6-1994 is justified? If not, to what relief the concerned workman is entitled?”

2. The order of reference was received in this Tribunal on 15-6-1999. Thereafter notices were sent to the parties for filing written statement on behalf of the workman. Again registered notice was sent to the sponsoring union but none appeared to take any step. It therefore, appears that

neither the sponsoring union nor the concerned workman is interested to contest the case.

3. In such circumstances, I render a 'No Dispute' Award in the present reference case.

H.M. SINGH, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2008

का. आ. 3415.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं आर्कैलोजिकल सर्वे ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ सं. 75/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-2008 को प्राप्त हुआ था।

[सं. एल-42012/279/2003-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 1st December, 2008

S.O. 3415.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No.75/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of Archaeological Survey of India, and their workmen, received by the Central Government on 1-12-2008.

[No. L-42012/279/2003-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Present : N. K. Purohit, Presiding Officer

I.D. No. 75/2004

Ref. No. 42012/279/2003-IR(CM-II) dt. 3-8-2004

BETWEEN

Sri Dharmendra S/o Sri Laltaprasad Niwasi, C/o Sri Ashok Kumar Singh 80, Lorries Complex, Agra (U.P.)

And

The Superintendent Archaeologist, Archaeological Survey of India, 22, Mall Road, Agra (U.P.)

Dated the 18th November, 2008.

AWARD

1. By Order No. L-42012/279/2003-IR(CM-II) dated 3-8-2004 the Central Government in the Ministry of Labour New Delhi in exercise of the powers conferred by clause (d) of sub-section 1 and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Sri Dharmendra S/o Sri Laltaprasad Niwasi, Through Sri Ashok Kumar Singh, 80, Lorries Complex, Agra and The Superintendent Archaeologist, Archaeological Survey of India, 22, Mall Road, Agra for adjudication.

क्या अधीक्षण पुरातत्वविद भारतीय पुरातत्व सर्वेक्षण, आगरा द्वारा कर्मकार श्री धर्मेंद्र आत्मज श्री लालता प्रसाद को सेवा में नियमित नहीं करके दिनांक 1-10-2002 से सेवा से निष्कासित करना न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है?

2. In brief, the case of the workman Sh. Dharmendra is that he was engaged for cleaning job at Tajmahal under Archaeological Survey of India, Agra region and he had worked as Safai Karamchari from 28-10-2001 to 30-9-2002. Since he had worked continuously for more than 240 days his termination on 1-10-2002 without giving any notice and following mandatory provisions under Sections 25F, 25G and 25H of I.D. Act is illegal. He has stated that subsequent to termination of his service, the management has employed six new workmen for cleaning job as Safai Karamchari. The workman has prayed for his reinstatement and regularization of service with back wages.

3. In its written statement the management has contended that the workman was engaged against the project work for temporary cleaning job on as and when required basis and as soon as the said project was completed he was disengaged. The workman had worked for 27 days only. The management has not violated any provision of the ID Act; therefore, he is not entitled for any relief. The management has also raised a preliminary objection that the Archaeological Survey of India is neither industry nor undertakes any kind of industrial work to come under the definition of Section 2(j) of the I.D. Act. As such reference is unlawful and is liable to be rejected outrightly.

4. In rejoinder, the workman besides reiterating the earlier averments in his statement of claim, stated that the management subsequent to his disengagement from the service, has employed S/Sri Ram, Raj Kumar, Rajesh and Kamal as Safai Karamchari.

5. Both the sides have filed their documents in support of their contentions. The workman Sh. Dharmendra has examined himself in support of his case whereas in rebuttal, the management has examined Sri M.C. Sharma, Sr. Conservative Asstt.

6. Learned representative of workman has submitted that the workman had worked for more than 240 days and his services has been terminated in violation of provisions under Sections 25F, 25G and 25H of the I.D. Act. He has relied on 2004 (1) ATJ p 248 J.J. Chavda Vs Secretary Legal Department.

7. The learned representative of the management has contended that the workman was engaged on daily wages for 27 days only and no appointment letter was given to him. The identity card produced by the workman is forged; therefore, the claim of the workman is not tenable. In support of his contention he has relied on :

1. 2006 (108) SC Surendra Nagar Distt. Panchayat
FLR 193 Vs Dahya bhai Amarsingh
2. 1977 (76) SC Himanshu Kumar Vidyarthi Vs
FLR 237 State of Bihar
3. 2006 (108) RM yellatti Vs Asstt. Executive
FLR 213 Engineer

8. I have given my thoughtful consideration on the contentions raised by both the sides and perused the records.

9. The management has contended in its written statement that the ASI is not an industry under Section (2) j of the I.D. Act. In this regard a copy of the office memo dated 15-9-2003 issued by the Under Secretary, Ministry of Tourism and Culture has been produced but in written argument submitted no such plea of preliminary objection has been raised. So there is no need to go into the merit of above objection raised in the written statement.

10. To get the relief claim in the present case burden was on the workman to establish that he has right to continue in services and that his services has been terminated without complying the mandatory provisions of the ID Act. For claiming protection under section 25F of ID Act he has to prove that there exists employee and employer relationship and that he has put in more than 240 days of service under the employer.

11. The workman has stated in his statement on oath that he had worked for cleaning job at Tajmahal from 28-10-2001 to 30-9-2002 whereas, the management witness Sh. M. C. Sharma has stated that worker had worked for 27 days only. He has further stated that as per muster roll he had worked during the period 1-10-2001 to 30-10-2001. There is no cross examination on the above facts. Moreover, the workman himself has admitted in his cross examination that he has no proof regarding working during the period 28-10-2001 to 30-9-2002. He has further admitted that in muster roll produced in the court at the time of his evidence for the period 2000-2001 and 2001 to 2002, his

name is only in the month of Oct. 2001. The copy of muster roll of Oct. 2001 is on the record. Therefore, in view of the above oral and documentary evidence on record, it is evident that workman had worked under the opposite party for 27 days only.

12. The workman has produced a copy of the identity card in support of his contention but he has not produced original identity card. He has stated that identity card was issued by the management witness Sh. MC Sharma but Sharma has denied his signature on the said identity card (paper No. 2/3 and alleged that said copy of the identity card produced by the workman is forged. The workman has also produced copies of the affidavit of Sh MC Sharma submitted in ID Case No. 181/89 of CGIT, Kanpur & the order of the award passed in above industrial dispute which was raised by Sh. Surendra workman but above document are not relevant in present matter. He has also produced a copy of interview letter dated 25-4-2003 address to some other workman regarding regularization of temporary status employees. Copies of the two memorandum dated 24-10-1997 and 10-9-1993 have also been produced but they are pertaining to casual labour with temporary status & regarding grant of temporary status to casual employee who have rendered one year of continuous service. But, above documents also do not help the workman because he had worked for 27 days only under the opposite party as such he was not entitled for temporary status also. The workman has admitted in his statement that no appointment letter was issued to him. He has also admitted that for the post of Safaikaramchari no vacancy was published. Moreover, there is variance in his statement of oath and his averments in the statement of claim regarding the persons said to have been given employment subsequent to his alleged termination. As per averments in statement of claim 6 persons were employed by the management but in his statement on oath he has stated different names and number of such persons.

13. In view of the above discussion the workman has failed to establish that he has worked under the employer for continuously more than 240 days in preceding one year prior to his alleged retrenchment. Therefore, his disengagement from service cannot be construed to be retrenchment under section 25F of the ID Act. Since the workman had worked on daily wages for 27 days under the opposite party, his disengagement from service on 1-10-2002 cannot be said to be arbitrary or illegal.

14. Accordingly the reference is adjudicated against the workman and he is not entitled for any relief.

Award is above.

LUCKNOW

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2008

का.आ. 3416.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 67/07) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-2008 को प्राप्त हुआ था।

[सं. एल-40011/41/2007-आई आर (डी.यू.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st December, 2008

S.O. 3416.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/07) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam limited and their workman, which was received by the Central Government on 20-11-2008.

[No. L-40011/41/2007-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. II, RAJENDRA BHAWAN, RAJENDRA PLACE NEW DELHI

I.D. No. 67/07

Date: 18-11-2008

In the matter of dispute between :

The General Secretary,
Zila Trade Union Council,
SA-55, Navin Nagar, MDA Colony,
Moradabad (UP).

... Workman

Versus

1. The Chief General Manager,
B.S.N.L. U.P. (East) Circle,
Hazratganj,
Mahatma Gandhi Marg,
Lucknow.
2. The Assistant Director General (Pers. IV),
Bharat Sanchar Nigam Ltd.,
Corporate Officer (Personnel IV Section),
102 B, Statesman House,
New Delhi-110001.

... Management

AWARD

The Central Government Ministry of Labour vide Order No. L-40011/41/2007-IR(DU) dated 13-11-2007 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Bharat Sanchar Nigam Ltd., in denying employment on compassionate ground to Shri Praveen Chandra Saxena S/o Late Shri Satish Chandra Saxena, Ex-SDE, Moradabad, is legal and justified ? If not, to what relief the claimant is entitled to ?"

After filing the claim on 31-1-2008 the workman is not appearing in this case for the last so many hearings. It appears that he is not interested in the outcome of this industrial dispute. Hence No Dispute Award is passed in this case. File be consigned to the record room.

Dated: 18-11-08 SATNAM SINGH, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2008

का. आ. 3417.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल वेयरहाउसिंग कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 27/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-2008 को प्राप्त हुआ था।

[सं. एल-42012/13/94-आई आर (डी.यू.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st December, 2008

S.O. 3417.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/95) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Warehousing Corporation and their workman, which was received by the Central Government on 1-12-2008.

[No. L-42012/13/94-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.-I, CHANDIGARH

Case ID No. 27/95

Shri Nihal Singh, Deputy Chairman, Union of Central Warehousing Corporation Employees, Construction Cell, S.C.O. 8-9, Sector-17-A, Chandigarh-160017.

...Applicant

Versus

The Managing Director, Central Warehousing Corporation, 4/1 City Institutional Area, Houz Khas New Delhi.

...Respondent

APPEARANCES

For the workman : Sri O.P. Batra
 For the management : Sri Pardeep Sharma

AWARD

Passed on : 12-11-2008

Government of India *vide* notification no. L-42012/13/94-IR dated 10-4-95 has referred the following industrial dispute for judicial adjudication to this Tribunal :—

“Whether the action of the management of Central Warehousing Corporation in demanding earned leave application from workman Shri Ashwani Kumar WAG-II for the period from 23-6-93 to 24-8-93 is just and fair? If not, to what relief the workman is entitled?”

The facts alleged by the workman in nut shell are that Shri Ashwani Kumar joins the services in Central Warehousing Corporation on 10-5-82 as WAG Assistant Grade No. 2 at Amritsar. He was transferred to Chandigarh in November 1983, and in December 1984 he was posted in Construction Cell, Chandigarh. On 22-6-93, he was transferred by the Executive Engineer, *vide* order No. 404 dated 22-6-93 from Chandigarh to Sub-Division Moga. While transferring him, no honor was given to the seniority of the workers posted at Chandigarh, even surplus staff remain in Chandigarh as such, and workman was transferred. He made a detailed representation on 24-6-93 and 26-6-93, but no head was given to his representations by the Executive Engineer, the Respondent no. 4. His transfer was malafide against the norms of the transfer policy with personal biasedness on account of the forming of a new association by the workman. Thereafter, he also made a representation to the respondent no. 2 for cancellation of his transfer and the General Manager, Central Warehousing Corporation, Delhi, the respondent no. 2, cancelled his transfer order dated 22-6-93 *vide* letter dated 15-7-93. Accordingly, he submitted his joining report on 21-7-93 which was received by Miss. Neelam Rani WAG-II, but he was not allowed to mark his attendance on attendance register. He submitted his detailed attendance *vide* letters dated 22-7-93, 23-7-93, 24-7-93, 28-7-93, 29-7-93, 30-7-93 and 31-7-93 respectively. He also brought this fact to the notice of respondents no. 1, 2 & 3. Thereafter, the respondent no. 2 issued the telex message on 4-8-98 directing the respondent no. 4 to comply with the order dated 15-7-93 on cancellation transfer order of the workman. It was on 18-8-93, the respondent no. 4 informed the workman for the reasons for not allowing him to sign the attendance register, and he was only permitted to join the duties and sign the attendance register on 24-8-93. The wages for the month of July, 1993 and Aug. 1993 were released after intervention of the High Court which the

workman opted through filing the Writ Petition. On request of the workman to regularize the intermittent period, the respondent no. 3 asked the workman to apply for leave for 22-6-93 to 25-8-93. The workman raised an industrial dispute for asking him for the leaves application from 22-6-93 to 24-8-93, and, on account of the failure of conciliation proceedings, the Central Government referred the present industrial dispute.

A joint written statement was filed by all the respondent. It was denied that the transfer of workman Shri Ashwani Kumar was made with the malafide intention, but it was on the administrative necessity. All the facts regarding the transfer, representation by the workman and the cancellation of the transfer order by respondent no. 2 on 15-7-93 were admitted but it was alleged that the letter dated 15-7-93 was not marked to the workman, hence, he had no authority and opportunity to apply the office of respondent no. 4 to resume the charge. It was also alleged by the respondent in written statement that he was not permitted to sign the attendance register because a detailed report was sent by the respondent no. 4 to the respondent no. 1 and as there was no order communicated to the respondent no. 4 on his detailed report (comments), the workman was not permitted to sign the attendance register. It was further alleged in written statement that he has not worked from 22-6-93 to 24-8-93 with the department and has not attended the office, accordingly, the respondent no. 3 has rightly asked for the leave application for the period in question.

All the relevant documents were filed by both of the parties. Ex. W2 is the transfer order, Ex. W3 is the relieving order, Ex. W4 is the representation dated 24-6-93 regarding the cancellation of the transfer order, Ex. W5 is also the representation of the workman dated 26-6-93 regarding cancellation of the transfer order, Ex. W6 is the copy of the letter dated 3-11-93 addressed to the Managing Director of Central Warehousing Corporation, New Delhi regarding formation of new union, Ex. W7 is the copy of the letter dated 15-7-93 written to the Executive Engineer, the respondent no. 4, by the Deputy Manager (EJCT) informing him that General Manager has ordered for the cancellation of the transfer of Shri Ashwani Kumar dated 22-6-93. Ex. W8 is the copy of the letter dated 21-7-93 requesting the Executive Engineer to permit him to join the duties w.e.f 21-7-93. Ex. W9 to Ex. W11 are the copies of the letters, telegrams, fax messages etc. sent to the different authorities by the workman for implementation of the order dated 15-7-93 passed by the General Manager regarding cancellation of the transfer order dated 20-6-93 passed by the Executive Engineer, Ex. W12 is the letter dated 18-8-93 written by the Executive Engineer, the respondent no. 4 to Shri Ashwani Kumar, the workman, informing him: the

reasons for not permitting him to sign the attendance register, Ex. W13 is the letter written by Shri Ashwani Kumar to the Executive Engineer for the salary for the month of July and August, 1993, Ex. W 14 is the copy of the order passed by the Hon'ble High Court on writ petition filed by Shri Ashwani Kumar, Ex. W15 is the copy of the letter written by Shri Ashwani Kumar to the Personnel Manager, Central Warehousing Corporation for regularising his duties from 26-3-93 to 21-7-93, Ex. W16 is also the copy of the letter regarding the regularizing of his services, Ex. W16 is the copy of the writ petition filed before Hon'ble the High Court of Punjab and Haryana, Ex. M5 is also an important letter dated 31-3-94 asking Shri Ashwani Kumar to apply for leave for the period of 23-6-93 to 24-8-93 for the purpose of regularizing his services.

Both of the parties have also filed the affidavits and were subjected to cross-examination by respective learned counsels for the opponent.

I have heard, learned counsel for the parties and pursued the entire materials on record.

The main question for determination before this Tribunal is whether the respondents were justified for asking the leave application for the period of 23-6-93 to 24-8-93 from the workman? It is true that workman was transferred on 22-6-93 and he was also relieved from Chandigarh on the very day. It is also admitted that on 15-7-93 he has given the joining report but he was not permitted to sign the attendance register. It was only on 24-8-93 that he was permitted to join the duties and sign attendance register on order of the Executive Engineer, respondent no. 4.

The workman has challenged the transfer order on the ground that it was passed with malice. No transfer criteria was adopted even the surplus staff was retained in Chandigarh and he was in permanent cadre was suddenly transferred on the ground that he become a member of new association. The malafide of transfer is to be seen by this Tribunal wherever required for the purpose of adjudicating the fact whether the respondent no. 2 has rightly asked the workman to apply for leave from 23-6-93 to 24-8-93?

The respondents have alleged that the workman was transferred on administrative reasons. But there is not a single sentence in affidavit or in cross-examination which shows, what were the administrative reasons the workman was transferred even if the surplus staff was retained. It is clear from the letter dated 4-8-93 of respondent no. 1 that Executive Engineer, respondent no. 4, was directed to permit the workman to resume duties and to take necessary steps regarding the surplus staff working in Chandigarh.

No transfer policy is placed before this Tribunal. No administrative ground on which the workman was transferred is mentioned and proved before this Tribunal. It is not open to the management of respondent to claim that the transfer on administrative ground is a secret matter, which is privileged. If the management is alleging that the transfer was effected on administrative ground, there is no reason not to mention that administrative ground in pleadings and proved the same before this Tribunal. Thus, the transfer of the workman was not a matter of routine and it also lacks the administrative requirement.

Moreover, when the transfer order dated 22-6-93 was cancelled by the appropriate authority, the respondent no. 1, on 15-7-93 and the workman reported to the department on 21-7-93, there is no bonafide information on file, why the workman was not permitted to sign the attendance register and to resume his duties? The management has justified it on two counts. First is that the letter dated 15-7-93, cancelling the transfer order dated 22-6-93 was not referred to the workman, Shri Ashwani Kumar, and secondly, before this order respondent no. 1 has sought the detailed comments for respondent no. 4 regarding the transfer of Shri Ashwani Kumar and comments were given to the respondent no. 1. As no order was received on comments, he was not permitted to resume the duties and signed the attendance register.

As stated earlier that transfer on administrative ground cannot be a privileged matter for the purpose of not disclosing the reasons of the transfer. Likewise, the cancellation of the transfer order is also not a privileged order and the contention of the respondent cannot be accepted that the copy of the cancellation of transfer order was not referred to the workman, so, no action could have been taken on his joining report. The cancellation of the transfer order was regarding the workman, affecting the rights of the workman; hence, he was the first person to know about the cancellation of the transfer order. He has also a right to get the copy of the order cancelling his transfer. With the reasons known to the respondents, it was not supplied. If the workman by any other sources received the communication of cancellation of the transfer order, and apply the department of implementation of the order, it cannot be denied on the ground that the copy of the order, cancellation the transfer order was not communicated to the workman. It was the right of the workman to get a copy of the order cancelling the transfer order and it was corresponding duty of the prescribed authority to provide a copy of the same to the workman. Thus, the respondent no. 4 was duty bound under the law as soon as it came to his notice about cancellation of the transfer order to receive the joining report of the workman and permitted him to sign the attendance register and assigned him the work, which was not done.

Another contention of the management is that no order was received on detailed comments of respondent no. 4, thus, the workman was not permitted to sign the daily attendance register. It also seems to be funny because cancellation of the transfer order dated 22-6-93 vide order dated 15-7-93 is itself an order on the comments of respondent no. 4. In usual manner no separate order on comments is passed by the authority. The workman makes a representation to the respondent no. 1 for cancelling his transfer order. The respondent no. 1 after asking the comments from respondent no. 4, on his transfer order, cancelled the transfer order. Thereafter, it was not open for the management to dispute the cancellation of the transfer order on the ground that no separate order was passed on the comments.

Even after the cancellation of the transfer order on 15-7-93, the workman was not permitted for one and a half month to resume duties with the department without any reasonable cause. It shows the biased attitude of the respondent and this biasedness was of such a nature that respondent no. 4 has not even bothered for the order of respondent no. 1 passed on 15-7-93. He defied the order at least for one and a half month. Ultimately, when on 4-1-93, he was specifically directed by respondent no. 1 regarding the joining report of the workman and the surplus staff, the respondent no. 4 permitted the workman to resume his duties. Thus, from 21-7-93 to 25-8-93, the workman could not work without any fault of him and it was the adamancy of the respondent no. 4 which resulted in making a workman not-functional. The workman cannot be punished for the fault of others. He was ready to work, there was no transfer order on 15-7-93 and thereafter, but he was not permitted by the respondent no. 4 to resume duties. So far as, the period before 15-7-93 is concerned, I am of the view that the transfer order passed by the respondent no. 4 was not on the genuine cause. No transfer policy is placed before this Tribunal, no administrative necessity is shown before this Tribunal and this fact is further proved by the conduct of the respondent no. 4 that even after the cancellation of the transfer order the workman was not permitted to resume duties for one and half months. Accordingly, this Tribunal is of the view that management is not at all justified in asking the leave application for the period of 23-6-93 to 24-8-93 because the absence of workman within this period was not at all for this mistake but the act and conduct of respondent no. 4.

This fact is also corroborated by the act of the management by releasing the salary of the workman for the month of July, 1993 and August, 1993 on the intervention of the Hon'ble High Court. When the workman filed a writ petition before the Hon'ble High Court of Punjab and Haryana, the management informed Hon'ble High Court that the salary of the workman for the month of July, 1993

and August, 1993 has been released. Hon'ble High Court on this very ground dismissed the writ petition of workman being infectious. Thus, this act of the management also put the answer of this reference in the mouth of this Tribunal that the management has treated the workman on duty and has paid the salary. If the management, was of the view that the workman shall not be treated on duty, what inspired him to pay the wages. In my opinion, the chapter was closed on that day when the management opted to release the salary of the workman for the month of July, 1993 and August, 1993 without asking him any leave application.

This reference is, accordingly, answered in negative that action of the management of Central Warehousing Corporation in demanding the leave application from workman, Shri Ashwani Kumar, for the period from 23-6-93 to 24-8-93 is not just and fair and the workman is entitled to be treated on duty from 23-6-93 to 24-8-93. Central Government be informed. File be consigned.

G.K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3418.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सांगली बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, सांगली के पंचाट (संदर्भ सं. 1/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-12012/125/2006-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3418.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2007) of Labour Court, Sangli, as shown in the Annexure, in the Industrial Dispute between the management of Sangli Gank Ltd., and their workman, which was received by the Central Government on 3-12-2008.

[No. L-12012/125/2006-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE PRESIDING OFFICER, LABOUR COURT,
AT SANGLI

Ref. (IDA) No. 1/2007

BETWEEN

Chairman,
Sangli Bank Ltd.,
Rajawada Chowk,
Sangli

... 1st Party

And

Shri Vishwas Mane,

R/o. : Salgare,

Tal. : Miraj, Dist. : Sangli

...2nd Party

In the matter of reinstatement with continuity of service
and full back wages

CORAM : M.V. Morale, Presiding Officer

APPEARANCES

Shri U.J. Chipre, Advocate for 1st Party

Shri K.D. Shinde, Advocate for 2nd Party

AWARD

(Delivered on 3rd October, 2008)

The Dy. Commissioner of Labour, Pune has forwarded this reference u/s 10(1) r/w Sec. 12(5) of Industrial Dispute Act, 1947 for adjudication over the following demand of the 2nd Party.

"Shri Vishwas Mane whose services have been terminated be reinstated with continuity of service and full back wages w.e.f. 5-12-2003".

4. The Second party and his advocate both are absent when called at thirle since 9-4-2007 till today the second party has not been filed his statement of claim not filed adjournment application on record. It means the second party is not interested to proceed this case. Hence this reference is dismissed in default.

Sangli.

Date : 3-10-2008 M.V. MORALE, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

क्र. आ. 3419.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ नं. 1 के पंचाट (संदर्भ सं. 3/2003) को प्रकटित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-12012/164/2002-आई आर (बी.-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3419.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 3/2003) of Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the management of State Bank of Patiala and their workman, received by the Central Government on 3-12-2008.

[No. L-12012/164/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 3/2003

Shri Krishan Gopal, C/o Shri Tek Chand Sharma, 25, Sant
Nagar, Civil Lines, Ludhiana-141008.

...Applicant

Versus

The Asstt. General Manager-II(J), State Bank of Patiala,
Dr. Ambedkar Chowk, Jalandhar (Punjab)-144001.

...Respondent

APPEARANCES

For the workman : None

For the management : N.K. Zakhmi.

AWARD

Passed on : 17-11-2008

Government of India vide notification No. L-12012/164/2002-IR(B-I) dated 22-11-2002 has referred the following industrial dispute for judicial adjudication to this Tribunal:—

"Whether the action of the management of State Bank of Patiala in terminating the services of Shri Krishan Gopal S/o Shri Udho Ram, Ex-Watchman-cum-Peon w.e.f. 3-2-95 without conducting any enquiry is justified? If not, what relief the concerned workman is entitled and from which date?"

2. None is present on behalf of the workman. Learned counsel for the management is present. From last many days fixed for the hearing of this case the workman is not ensuring his presence. The reference was referred by the Central Government in the year 2003. Several opportunities have been given to the workman but he is not availing the opportunity of being heard. It is already 1.15 pm. At this stage, I have no option otherwise then to dismiss the claim of workman in reference for non-prosecution and return the reference to the Central Government as such. Accordingly, the reference is returned as such. Let the Central Government be informed. File be consigned Chandigarh.

17-11-2008

G.K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

क्र. आ. 3420.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ सं. 88/2003)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-12012/314/2002-आई आर (बी.-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3420.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/2003) of Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 3-12-2008.

[No.L-12012/314/2002-IR-(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/88/03

Presiding Officer : Shri C.M.Singh

Shri Jimbo Bansfor,
S/o Late Shri Lalji Bansfor,
Sweeper, Qr. No. 36, Indira Nagar,
Near Sindhi Colony,
Rajnandgaon (C.G.)

...Workman/Union

Versus

The General Manager,
State Bank of India,
Main Branch, Sector-I,
Bhilai, Distt. Durg (C.G.)

...Management

AWARD

Passed on this 6th day of November, 2008

1. The Government of India, Ministry of Labour vide its Notification No.L-12012/314/2002/IR (B-I) dated 4-4-03 has referred the following dispute for adjudication by this Tribunal:-

"Whether the action of the General Manager, State Bank of India, Bhilai (C.G.) in terminating the services of Shri Jimbo Bansfor S/o. Late Shri Lalji Bansfor, is justified? If not what relief the workman is entitled for?"

2. Vide order dated 2-1-06 passed on the ordersheet of this reference proceeding, the reference proceeded exparte against workman Shri Jimbo Bansfor. No statement of claim has been filed on behalf of the workman.

3. Though the opportunity was given to the management to file their W.S. but Shri Vijay Tripathi,

Advocate, learned counsel for the management submitted that no WS is to be filed on behalf of management. He also submitted that no evidence is to be adduced on behalf of the management as the workman has not filed his statement of claim. It is on his request that the reference was closed for award. It is a no evidence case. Therefore the reference deserves to be decided in favour of the management and against the workman without any orders as to costs.

4. In view of the above, the reference is decided in favour of the management and against the workman Shri Jimbo Bansfor without any orders as to costs holding that the action of the General Manager, State Bank of India, Bhilai (C.G.) in terminating the services of Shri Jimbo Bansfor S/o Late Shri Lalji Bansfor, is justified and consequently the workman is not entitled to any relief.

5. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 42/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/130/2006-आई आर (सी.एम.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3421.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/2007) of Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 3-12-2008.

[No.L-22012/130/2006-IR-(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT I, CHANDIGARH

Case No. ID. 42/2007

Shri Lal Singh
S/o Shri Mithu Singh,
V & P.O.-Thana Patra,
Patiala (Punjab).

...Applicant

Versus

1. The District Manager,
Food Corporation of India,
Patjala (Punjab).
2. The Sr. Regional Manager,
Food Corporation of India,
Punjab Region, Sector 31-A,
Chandigarh.

...Respondents

APPEARANCES

For the Workman : Shri Balbir Singh
For the Management : Shri Parminder Singh

AWARD

Passed on 14-11-2008

Central Government vide Notification No. L-22012/130/2006-IR(C.M. II) dated 23-4-2007 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Food Corporation of India in denying engagement of Shri Lal Singh contract worker under Direct Payment System at par with the other 105 contract workers already engaged under DPS is legal and justified ? If not, to what relief is the workman entitled ?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-2008, this case was fixed in pre Lok Adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. Shri Balbir Singh General Secretary FCI Workers Union, Regd. has made a statement that he is the General Secretary of the union. In other 33 cases, the workman and the prescribed authority of the management agreed that as per policy of the department, the workmen will be provided with the work as and when available out of the list of the present workman on priority in compliance of the Hon'ble High Court New Delhi order dated 15-2-2006. The management has also agreed that while adjusting the workmen, it will honour the seniority list maintained by the department itself. On this assurance the workmen withdraw their references in Lok Adalat. In the same manner, in this case the union agrees to the settlement as in other 33 cases and withdraw the present reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat Central Government be informed. File be consigned to record.

Chandigarh.

14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3422.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं डब्ल्यू. सी. एल. के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (संदर्भ सं. 128/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/167/2002-आई आर (सी.एम.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3422.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 128/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the management of Newton Ganpati Mine of WCL, Pench Area, and their workmen, received by the Central Government on 3-12-2008.

[No. L-22012/167/2002-IR-(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A.N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/128/03

Petitioner/ : The Secretary,

Party No. 1 Rashtriya Koyala Khadan Mazdoor
Sangh (INTUC), PO : Chandametta,
Distt. Chhindwara (M.P.) on behalf of
Shri Lal Mohammad

Versus

Respondent/ : The Manager,

Party No. 2 Newton-Ganpati Mine of WCL, Pench
Area, PO : Newton Chickli, Dist.
Chhindwara, Chhindwara (M.P.).

AWARD

Dated : 24th November, 2008

1. The Central Government after satisfying the existence of dispute between the Secretary, Rashtriya Koyala Khadan Mazdoor Sangh (INTUC), PO. Chandametta, Distt. Chhindwara (M.P.) on behalf Shri Lal Mohammed (Party No. 1) and the Manager Newton-Ganpati Mine of WCL, Pench Area, PO : Newton Chickli, Distt. Chhindwara, Chhindwara (M.P.). (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/167/2002/IR (CM-II) dated 8-5-03 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Newton-Ganpati Mine of WCL, Pench Area, PO : Newton Chickli, Distt. Chhindwara in not correcting the date of birth of Sh. Lal Mohammad S/o Mangaroo Miya from 5-3-1947 to 8-12-1949 is justified? If not, to what relief is the workmen entitled?"

3. The reference came up for hearing on 14-11-2008 on which the Petitioner and his Counsel were absent. The counsel for Respondent was present. The Petitioner is not attending the case since last three year. He has also not even filed a statement of claim. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date: 24-11-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं डब्लू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ सं. 05/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/69/2002-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3423.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/03) of the Central Govt. Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of Western Coalfields Ltd., and their workmen, received by the Central Government on 3-12-2008.

[No. L-22012/69/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/05/03

Date: 21-11-2008

Petitioner/ : The General Secretary,
Party No.1 Bhartiya Koyala Khadan Mazdoor Sangh
M. P. (BMS)
Vishwakarama Bhavan, Post : Parasia,
Distt. Chhindwara (M.P.) On behalf of
Phool Singh

Versus

Respondent/ : The General Manager,
Party No.2 WCL, Pench Area PO. Parasia
Chhindwara (M.P.)

AWARD

(Dated : 21st November, 2008)

1. The Central Government after satisfying the existence of dispute between the General Secretary, Bhartiya Koyala Khadan Mazdoor Sangh M. P. (BMS) Vishwakarama Bhavan, Post : Parasia, Distt. Chhindwara (M.P.) On behalf of Phool Singh (Party No.1) and the General Manager, WCL, Pench Area PO. Parasia Chhindwara (M.P.) (Party No.2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/69/2002-IR(CM-II) dated 4-10-2002 under clause (d) of sub-section (1) and sub section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of WCL, Pench Area PO. Parasia Chhindwara is not promoting Sh. Phool Singh, Sr. Compounder from Gr. C to Gr. B with effect from 1994 is justified? If not, to what relief is the workman entitled to?"

3. The reference came up for hearing on 14-11-2008 on which the Petitioner and his Counsel were absent. The Counsel for Respondent was present. The Petitioner and his counsel were not attending the case since last more than five year. He has also not even filed workman affidavit. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date: 21-11-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3424.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं डब्लू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ सं. 234/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/308/2002-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3424.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 234/03) of the Central Govt. Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of Western Coalfield Ltd., and their workmen, received by the Central Government on 3-12-2008.

[No. L-22012/308/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A.N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/234/03

Date: 25-11-2008

Petitioner/ : The Secretary,
Party No.1 Rashtriya Koyala Khadan mazdoor Sangh
(INTUC), PO. Chandametta, Distt.
Chhindwara (M.P.) on behalf of Shri
Ganpath Lal Vishwakarma

Versus

Respondent/ : The General Manager,
Party No.2 WCL, of Pench Area PO. Parasia, Dist.
Chhindwara, Chhindwara (M.P.)

AWARD

(Dated : 25th November, 2008)

1. The Central Government after satisfying the existence of dispute between the Secretary, Rashtriya Koyala Khadan mazdoor Sangh (INTUC), PO. Chandametta, Distt. Chhindwara (M.P.) on behalf of Shri Ganpath Lal Vishwakarma (Party No.1) and the General Manager, of WCL, Pench Area PO. Parasia, Dist. Chhindwara, Chhindwara (M.P.) (party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/308/2002-IR(CM-II) dated 16-10-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. *Whether the action of Chief General Manager, Western Coalfields Ltd., Pench Area PO: Parasia, Distt. Chhindwara (MP) in not correcting the date of birth of Shri Ganpat Lal Vishwakarma, electrician of Barkuhi hospital as per school certificate is legal and justified? If not, to what relief the workman is entitled?

3. The reference came up for hearing on 21-11-2008 on which the Petitioner and his Counsel were absent. The Counsel for Respondent was present. The Petitioner is not attending the case since last one year. He has also not even filed affidavit. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date: 25-11-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3425.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं डब्लू. सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों

के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ सं. 17/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/71/2004-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3425.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award(Ref. No. 17/05) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2 Nagpur as shown in the Annexure, in the industrial dispute between the management of Western Coalfields Ltd., and their workmen, received by the Central Government on 3-12-2008.

[No. L-22012/71/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A.N. YADAV, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/17/05

Date: 21-11-2008

Petitioner/ : Shri Delip Sen, General Secretary,
Party No. 1 Bhartiya Koyla Khadan Mazdoor Sangh
M.P. Vishwakarma Bhawan, PO: Parasia,
Distt. Chhindwara (M.P.) On behalf of
Shri Dinanath

Versus

Respondent/ : The General Manager,
Party No.2 WCL of Kanhan Area PO. Dungaria,
Dist. Chhindwara (M.P.)

AWARD

(Dated : 21st November, 2008)

1. The Central Government after satisfying the existence of dispute between Shri Delip Sen, General Secretary, Bhartiya Koyla Khadan Mazdoor Sangh M.P. Vishwakarma Bhawan, PO: Parasia, Distt. Chhindwara (M.P.) On behalf of Shri Dinanath (Party No.1) and the General Manager, WCL, Kanhan Area, PO. Dungaria, Dist. Chhindwara (M.P.) (Party No.2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/71/2004-IR(CM-II) dated 17-1-2005 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. क्या महाप्रबंधक, वेस्टर्न कोलफील्ड लिमिटेड, कन्हान एरिया पोस्ट-डुंगरिया, जिला छिन्दवाड़ा, म. प्र. के प्रबंधन द्वारा श्री दीनानाथ आत्मज रामवृक्ष टोकन नं. 1288 एवं अन्य 44 टब लोडर (संलग्न सूची में दर्शाये गये पीस रेटेड लोडरों को टाइम रेट के विभिन्न पदों पर कार्य लेने के पश्चात वेतन सुरक्षा के साथ पद परिवर्तन न

किये जाने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कामगार किस अनुतोष का हकदार है ?

3. The reference came up for hearing on 14-11-2008 on which the Petitioner and his Counsel were absent. The Petitioner and his counsel were not attending the case since last more than one year except on one occasion i.e. 6-6-2008. He has not even filed Statement of claim. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date: 21-11-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3426.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं डब्लू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ सं. 09/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/155/2000-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3426.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 09/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the Employers in relation to the management of WCL., and their workmen, which was received by the Central Government on 3-12-2008.

[No. L-22012/155/2000-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/09/2001

Date: 24-11-2008

Petitioner/ : The Secretary,
Party No. 1 Bhartiya Koyala Khadan Mazdoor Sangh (BMS), Vishwakarma Bhavan, Post: Parasia, Distt. Chhindwara (M.P.) - 480441.
On behalf is Shri Surendra Deenabhai Bathri.

Versus

Respondent/ : The General Manager, (W)
Party No. 2 Nandan Washery of WCL, P.O. Damua, Dist. Chhindwara (M.P.)

AWARD

(Dated : 24th November, 2008)

1. The Central Government after satisfying the existence of dispute between the Secretary, Bhartiya Koyala Khadan Mazdoor Sangh (BMS), Vishwakarma Bhavan, Post: Parasia, Distt. Chhindwara (M.P.) on behalf of Shri Surendra Deenabhai Bathri (Party No.1) and the General Manager (W) Nandan Washery of WCL, PO : Damua, Dist. Chhindwara, (M.P.) (Party No.2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/155/2000-IR(C-II) dated 25-01-2001 under clause (d) of sub-section (1) and sub section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of management of Nandan Coal Washery of WCL, Kanhan Area is not regularizing Shri Surendra Bathri S/o Deenabhai Bathri in Clerk Grade-III is legal and justified? If not, to what relief the workman is entitled" ?

3. The reference came up for hearing on 14-11-2008 on which the both the parties were absent. Both the parties are not attending the case since last six years. The Petitioner has filed statement of claim and affidavit, but not attending for cross-examination despite of issuing of notices on 1-6-2004 to both the parties. It seems that both the parties are not interested in prosecuting the case. No doubt, the Affidavit is filed by the Petitioner. But without cross-examination, it has no value and when he himself is not attending and avoiding or shirking from the cross-examination itself indicates that he is unable to face it and consequently the Affidavit can neither be relied nor acted upon. It amounts to no evidence at all. Hence, no purpose will be served in continuing the case. It dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date: 24-11-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3427.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण, नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 47/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/174/2006-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3427.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/2007) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 3-12-2008.

[No. L-22012/174/2006-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 47/2007

Shri Darshan Singh S/o Shri Sukhdev Singh,
V & P.O: Jhaloor Thana, Tehsil Dirba,
Sangrur (Punjab)

.....Applicant

Versus

1. The District Manager, Food Corporation of India, Patiala (Punjab).
2. The Sr. Regional Manager, Food Corporation of India, Punjab Region, Sector 31-A, Chandigarh.

.....Respondent

APPEARANCES

For the workman : Shri Balbir Singh.
For the Management : Sh. Perminder Singh.

AWARD

Passed on 14-11-2008

The Central Government vide notification No. L-22012/174/2006/IR(CM-II) dated 23-4-2007 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Food Corporation of India in denying engagement of Shri Darshan Singh, contract worker under Direct payment system at par with the other 105 contract workers already engaged under DPS is legal and justified? If not, to what relief is the workman entitled?

2. The present reference was made by the Central Govt. on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. Shri Balbir Singh, General Secretary, FCI workers Union, Regd. has made a statement that he is the General Secretary of the Union. In other 33 cases, the workman and the prescribed authority of the management agreed that as per policy of the department, the workmen will be provided with the work as and when available out of the list of the present workmen on priority in compliance of the Hon'ble High Court, New Delhi order dated 15-2-06. The management has also agreed that while adjusting the workmen, it will honour the seniority list maintained by the department itself. On this assurance the workmen withdraw their references in Lok Adalat. In the same manner, in this case the union agrees to the settlement as in other 33 cases and withdraw the present reference in Lok Adalat. Accordingly the reference is returned to the Central Govt. as settled in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh : 14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3428.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 55/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/167/2006-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3428.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 55/2007) of the Central Govt. Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 3-12-2008.

[No. L-22012/167/2006-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. LD. 55/2007

Shri Naib Singh S/o Shri Chhaju Singh, V & P.O: Jhaloor
Thana, Tehsil Dirba, Sangrur (Punjab)

.....Applicant.

Versus

1. The District Manager, Food Corporation of India, Patiala (Punjab).
2. The Sr. Regional Manager, Food Corporation of India, Punjab Region, Sector 31-A, Chandigarh.

.....Respondent

APPEARANCES

For the workman : Shri Balbir Singh.

For the Management : Sh. Perminder Singh.

AWARD

Passed on 14-11-2008

Central Govt. vide notification No. L-22012/167/2006/IR(CM-II) dated 23-4-2007 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Food Corporation of India in denying engagement of Shri Naib Singh, contract worker under direct payment system at par with the other 105 contract workers already engaged under DPS is legal and justified ? If not, to what relief is the workman entitled ?

2. The present reference was made by the Central Govt. on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. Shri Balbir Singh General Secretary FCI Workers Union, Regd. has made a statement that he is the General Secretary of the Union. In other 33 cases, the workman and the prescribed authority of the management agreed that as per policy of the department, the workmen will be provided with the work as and when available out of the list of the present workmen on priority in compliance of the Hon'ble High Court, New Delhi order dated 15-2-06. The management has also agreed that while adjusting the workmen, it will honour the seniority list maintained by the department itself. On this assurance the workmen withdraw

their references in Lok Adalat. In the same manner, in this case the union agrees to the settlement as in other 33 cases and withdraw the present reference in Lok Adalat. Accordingly the reference is returned to the Central Govt. as settled in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh : 14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3429.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 57/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/166/2006-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3429.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2007) of the Central Govt. Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 3-12-2008.

[No. L-22012/166/2006-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. LD. 57/2007

Shri Jagtar Singh S/o Shri Labha Singh, V & P.O. Jhaloor
Thana, Tehsil : Dirba, Sangrur (Punjab)

.....Applicant.

Versus

1. The District Manager, Food Corporation of India, Patiala (Punjab).
2. The Sr. Regional Manager, Food Corporation of India, Punjab Region, Sector 31-A, Chandigarh.

.....Respondent

APPEARANCES

For the workman : Shri Balbir Singh.
For the Management : Sh. Perminder Singh.

AWARD

Passed on 14-11-2008

Central Govt. vide notification No. L-22012/166/2006/IR(CM-II) dated 23-4-2007 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Food Corporation of India in denying engagement of Shri Jagtar Singh, contract worker under direct payment system at par with the other 105 contract workers already engaged under DPS is legal and justified ? If not, to what relief is the workman entitled ?

2. The present reference was made by the Central Govt. on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. Shri Balbir Singh General Secretary FCI Workers Union, Regd. has made a statement that he is the General Secretary of the Union. In other 33 cases, the workman and the prescribed authority of the management agreed that as per policy of the department, the workmen will be provided with the work as and when available out of the list of the present workmen on priority in compliance of the Hon'ble High Court, New Delhi order dated 15-2-06. The management has also agreed that while adjusting the workmen, it will honour the seniority list maintained by the department itself. On this assurance the workmen withdraw their references in Lok Adalat. In the same manner, in this case the union agrees to the settlement as in other 33 cases and withdraw the present reference in Lok Adalat. Accordingly the reference is returned to the Central Govt. as settled in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh: 14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. अ. 3430.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवं भारतीय खाद्य निगम के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ सं. 62/2007) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/132/2006-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 62/2007) of the Central Government Industrial Tribunal-cum-Labour Court No 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India and their workmen, received by the Central Government on 3-12-2008.

[No. L-22012/132/2006-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR-COURT-I,
CHANDIGARH**

Case No. I.D. 62/2007

Shri Amarjeet Singh S/o Shri Ruldhu Singh, V & P O.
Kakrala, Patiala (Punjab)

.....Applicant.

Versus

1. The District Manager, Food Corporation of India, Patiala (Punjab).
2. The Sr. Regional Manager, Food Corporation of India, Punjab Region, Sector 31-A, Chandigarh.

.....Respondent

APPEARANCES

For the workman : Shri Balbir Singh.
For the Management : Sh. Perminder Singh.

AWARD

Passed on 14-11-2008

Central Govt. vide notification No. L-22012/132/2006/IR(CM-II) dated 23-4-2007 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Food Corporation of India in denying engagement of Shri Amarjeet Singh, contract worker under Direct Payment System at par with the other 105 contract workers already engaged under DPS is legal and justified ? If not, to what relief is the workman entitled ?

2. The present reference was made by the Central Govt. on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. Shri Balbir Singh General Secretary FCI Workers Union, Regd. Has made a statement that he is the General Secretary of the Union. In other 33 cases, the workman and the prescribed authority of the management agreed that as per policy of the department, the workmen will be provided with the work as and when available out of the list of the present workmen on priority in compliance of the Hon'ble High Court, New Delhi order dated 15-2-06. The management has also agreed that while adjusting the workmen, it will honour the seniority list maintained by the department itself. On this assurance the workmen withdraw their references in Lok Adalat. In the same manner, in this case the union agrees to the settlement as in other 33 cases and withdraw the present reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh : 14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3431.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1, चण्डीगढ़ के पंचाट (संदर्भ सं. 68/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/195/2006-आई आर (सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No.68/2007) of the Central Government Industrial Tribunal-cum-Labour Court, No 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India and their workmen, received by the Central Government on 03-12-2008.

[No. L-22012/195/2006-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

Case No. I.D. 68/2007

Shri Raj Singh S/o Shri Kaka Singh, V. & P. O. Fatehpuri,
Th. Tohana, Haryana.

...Applicant.

Versus

1. The District Manager, Food Corporation of India, Patiala (Punjab).
2. The Sr. Regional Manager, Food Corporation of India, Punjab Region, Sector 31-A, Chandigarh.

...Respondent

APPEARANCES

For the workman : Shri Balbir Singh.

For the Management : Sh. Parminder Singh.

AWARD

Passed on 14-11-2008

The Central Government vide notification No. L-22012/195/2006/IR(CM-II) dated 23-4-2007 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Food Corporation of India in denying engagement of Shri Raj Singh, contract worker under Direct Payment System at par with the other 105 contract workers already engaged under DPS is legal and justified? If not, to what relief is the workman entitled?

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. the prescribed authority of the management made a statement that the management has agreed to provide jo to Sh. Raj Singh through contractor as per policy of the Government. On this assurance the workman withdraw reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh : 14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का. आ. 3432.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1, चण्डीगढ़ के पंचाट (संदर्भ सं. 61/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2008 को प्राप्त हुआ था।

[सं. एल-23012/5/1999-आई आर (सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No.61/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No 1, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 03/12/2008.

[No. L-23012/5/1999-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Case No. I.D. 61/2000

Shri Kamal Singh C/o Sh. R.K. Singh Parmar,
Qtr No. 35-G, Nangal Township,
Distt. Roopar

....Applicant.

Versus

1. The Chief Engineer, Bhakra Dam, Nangal, Distt.
Roopar (Punjab).

...Respondent

APPEARANCES

For the workman : Shri R.K. Singh.

For the Management : Sh. Rajinder Singh

AWARD

Passed on 14-11-2008

Central Govt. vide notification No. L-23012/5/99-IR/(CM-II) dated 31-1-2000 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of BBMB in terminating the services of Sh. Kamal Singh S/o Surjit Singh w.e.f. 15-11-98 is just and legal? If not, to what relief the concerned workman is entitled and from what date?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. The representative of the workman made a statement that he is the authorised representative of the workman. The workman is not pressing the reference and he withdraw the same in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh: 14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2008

का.आ. 3433.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 157/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2008 को प्राप्त हुआ था।

[सं. एल-22012/258/1994-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 2008

S.O. 3433.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 157/1994) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BBMB and their workmen, which was received by the Central Government on 03-12-2008.

[No. L-22012/258/1994-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Case No. I.D. 157/1994

Shri Dhan Singh S/o. Sh. Lal Singh,
H. No. 15-B, Colony No. 4,
Industrial Area Phase-I,
Chandigarh

...Applicant

Versus

The Executive Engineer,
Building & Construction Division,
B.B.M.B. Nangal,
District Roopar (Punjab)

...Respondent

APPEARANCES

For the workman : Workman in Person with
Sh. O. P. Batra

For the Management : Shri Bhagat Singh

AWARD

Passed on 14-11-2008

Central Government vide notification No. L-22012/258/94-IR(C-II) dated 14-11-1994 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of BBMB Nangal in terminating the services of Sh. Dhan Singh w.e.f. 1-6-93 is legal and valid? If not, then what relief the workman is entitled to and from which date ?”

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. It is agreed between the parties that as per the seniority list maintained by the department, as and when the workman available, the workman will be provided with the work. On this assurance the workman withdraw reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh

14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का.आ. 3434.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अरब प्रजनन फार्म के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ सं. 59/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-12-2008 को प्राप्त हुआ था।

[सं. एल-42012/239/1990-आई आर (डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3434.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 57/1997) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Equine Breeding Stud and their workmen, which was received by the Central Government on 05-12-2008.

[No. L-42012/239/1990-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I
CHANDIGARH**

Case No. I.D. 59/1997

Shri Prem Singh S/o. Sh. Jeet Singh,
C/o. The President,
Distt. Agriculture Workers Union,
Street No. 5, H. No. 123,
Jawahar Nagar, Hissar
Haryana-125001.

...Applicant

Versus

The Commandant,
Equine Breeding Stud.,
Hissar-125001.

...Respondent

APPEARANCES

For the workman : Workman in Person with
Sh. Raj Kaushik

For the Management : Shri K. K. Thakur

AWARD

Passed on 14-11-2008

Central Government vide notification No. L-42012/239/90-IR(DU) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Prem Singh s/o. Shri Jeet Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. It is agreed between the parties that the workman will be provided with job as and when required basis. If any workman is covered under the scheme of regularization, he will be provided the benefits accordingly. The workman will be paid wages as per the wages given to similarly situated workman. On this assurance, the workman withdraw the reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh

14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का.आ. 3435.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अश्व प्रजनन फार्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ सं. 7/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-12-2008 को प्राप्त हुआ था।

[सं. एल-42012/215/1990-आई आर (डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/1997) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Equine Breeding Stud and their workman, which was received by the Central Government on 05-12-2008.

[No. L-42012/215/1990-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 7/1997

Shri Baldev Singh S/o. Sh. Kashmir Singh,
C/o. The President,

Distt. Agriculture Workers Union,
Street No. 5, H. No. 123,
Jawahar Nagar, Hissar
Haryana-125001.

...Applicant

Versus

The Commandant,
Equine Breeding Stud,
Hissar-125001.

...Respondent

APPEARANCES

For the workman : Workman in Person with
Sh. Raj Kaushik

For the Management : Shri K. K. Thakur

AWARD

Passed on 14-11-2008

Central Government vide notification No. L-42012/215/90-IR(DU) dated 3-12-1996 has referred the following dispute to this Tribunal for adjudication :

"Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Baldev Singh S/o. Shri Kashmir Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. It is agreed between the parties that the workman will be provided with job as and when required basis. If any workman is covered under the scheme of regularization, he will be provided the benefit accordingly. The workman will be paid wages as per the wages given to similarly situated workman. On this assurance, the workman without the reference in Lok Adalat. Accordingly the reference is returned to the

Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh

14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का.आ. 3436.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अश्व प्रजनन फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ सं. 1/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-2008 को प्राप्त हुआ था।

[सं. एल-42012/204/1990-आई आर (डीयू)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3436.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/1997) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Equine Breeding Stud and their workmen, which was received by the Central Government on 05-12-2008.

[No. L-42012/204/1990-IR(DU)]
AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 1/1997

Shri Santokh Singh S/o. Sh. Inder Singh,
C/o. The President,
Distt. Agriculture Workers Union,
Street No. 5, H. No. 123,
Jawahar Nagar, Hissar
Haryana-125001.

...Applicant

Versus

The Commandant,
Equine Breeding Stud.,
Hissar-125001.

...Respondent

APPEARANCES

For the workman : Workman in Person with
Sh. Raj Kaushik

For the Management : Shri K. K. Thakur

AWARD

Passed on 14-11-2008

Central Government vide notification No. L-42012/204/90-IR(DU) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Santokh Singh S/o Shri Inder Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre Lok Adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. It is agreed between the parties that the workman will be provided with job as and when required basis. If any workman is covered under the scheme of regularization, he will be provided the benefits accordingly. The workman will be paid wages as per the wages given to similarly situated workman. On this assurance, the workman without the reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh

14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का.आ. 3437.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अश्व प्रजनन फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ सं. 13/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-12-2008 को प्राप्त हुआ था।

[सं. एल-42012/218/1990-आई आर (डीयू)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3437.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 13/97) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Equine Breeding Stud. and their workmen, which was received by the Central Government on 05-12-2008.

[No. L-42012/218/1990-IR(DU)]
AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I
CHANDIGARH**

Case No. I.D. 13/1997

Shri Gurdial Singh S/o. Sh. Jiwan Singh,
C/o. The President,
Distt. Agriculture Workers Union,
Street No. 5, H. No. 123,
Jawahar Nagar, Hissar
Haryana-125 001.

... Applicant

Versus

The Commandant,
Equine Breeding Stud.,
Hissar-125 001.

... Respondent

APPEARANCES

For the workman : Workman in Person with
Sh. Raj Kaushik

For the Management : Shri K. K. Thakur

AWARD

Passed on 14-11-2008

Central Government vide notification No. L-42012/218/90-IR(DU) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication :

"Whether the activities of the Equine Breeding Stud, Hissar constitute to be that of an Industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Gurdial Singh S/o Shri Jiwan Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre lok adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. It is agreed between the parties that the workman will be provided with job as and when required basis. If any workman is covered under the scheme of regularization, he will be provided the benefits accordingly. The workman will be paid wages as per the wages given to similarly situated workman. On this assurance, the workman withdraw the reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh

14-11-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का.आ. 3438.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ सं. 97/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-12-2008 को प्राप्त हुआ था।

[सं. एल-14012/21/97-आई आर (डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3438.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/98) of the Central Government Industrial Tribunal-cum-Labour Court No. I Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 05-12-2008.

[No. L-14012/21/97-IR(DU)]
AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I
CHANDIGARH**

Case No. I.D. 97/98

Military Farm Workers Union thrgh.

J. C. Bhardwaj, (Gen. Secy.)

HPAITUC, H.Q. Saproon,

Solan (HP)

... Applicant

Versus

Director, Military Farm H. O.

Western Compound (Farm br.)

Chandimandir-134107

... Respondent

APPEARANCES

For the Workman : Sh. J. C. Bhardwaj

For the Management : Shri K. K. Thakur

AWARD

Passed on 21-11-2008

Central Government vide notification No. L-14012/21/97-IR(DU) dated 13-05-1998 referred the following Industrial Dispute for judicial adjudication to this Tribunal :

"Whether the action of Officer Incharge, Military farm, Dagshai, Distt. Solan and Director, Military Farm, Chandimandir in denying the payment of salary of clerk and instead paying salary of Group-D staff to Sh. Sant Ram, Farm hand when worked as Clerk in the office of Officer Incharge, Military Farm Dagshai is just and fair? If not, to what relief the workman is entitled and from what date?"

The nature of reference shows that the question before this Tribunal for adjudication is whether the workman Sh. Sant Ram had ever worked as Class-3 employee and paid the wages of Group-D staff? the appointment of the workman for Group-D staff and his eligibility for his appointment to Class-3 employee is not to be discussed because it shall be beyond the scope of this reference.

In his statement of claim, the workman has contended two issues. First is the payment of difference of wages on the basis of his working as Class-3 employee and which were actually paid to him and secondly, his eligibility for the appointment of Class-3 employee. So far as the second part is concerned, it is beyond the scope of this reference and cannot be discussed. This Tribunal will initiate the adjudication of reference by assuming that the workman was lawfully appointed for Group-D staff. The Tribunal has to decide whether the workman has entrusted a Class-3 work by the management, whereas, he was paid the wages of Group-D staff for which he was lawfully appointed?

The management of respondent raised some preliminary objections in his written statement which were not pressed thereafter. One of the objection raised by the management was that Military Farm, the respondent, is not an industry. It is true that this issue was not raised thereafter but it is the duty of the Tribunal to dispose it of while answering the reference on merits.

The term 'industry' has been defined in Section 2(j) of the Industrial Disputes Act, 1947, to mean any business, trade, undertaking, manufacture or calling or employers and includes any calling, services, employment, handicraft, or industrial occupation or avocation of workmen.

In Bangalore Water Supply case (supra), 7 Judges Bench of Hon'ble the Apex Court has defined the word industry. As per the above mentioned verdict of the Apex Court, term 'industry' has been defined in Sub-section 2(j) in a wide import as:-

- (a) Where there is (i) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and/ or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss), prima facie, there in an industry in the enterprise.
- (b) Absence of profit, motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.
- (c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
- (d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

Thus, the test (especially triple test) referred by Hon'ble the Apex Court in Bangalore Water Supply case (supra) are necessary to qualify any institution to be an industry.

Thus, the decision whether the particular organization is an industry or not has to be taken on the basis of the work done and business carried on by it, which absolutely depends on the facts and circumstances of each case. The main function of the military Farm are to supply milk and milk products to the Army Forces of the Union and also to supply hay of the animals to Armed Forces. Big farms are maintained by Military Farm and milk and its products are produced. Thus, the function of maintaining the farms and producing the milk and milk products and

the services rendered for the maintenance of above mentioned work, it cannot be said that the Military Farm strictly qualified for the sovereign functions. Without disputing the fact that most of the functions of the organization, whose unit is the Military Farm, may be sovereign functions but the unit Military Farm on the basis of work done and services rendered is an industry as held by Hon'ble the Apex Court in Bangalore Water Supply case (supra).

Regarding the sovereign functions, Hon'ble the Apex Court in Bangalore Water Supply case (supra) held that sovereign functions strictly understood alone qualified exemption, not the welfare activities or economic adventures undertaken by Government or statutory bodies. Even in departments discharging sovereign functions, if there are units which are industries and they are substantially severable then can be considered to come within section 2(j) of the Act, in the definition of industry.

Management of respondent denied that any work of Class-3 employee was entrusted to the workman. It is alleged by the management of respondent that for some time from 10-8-89, for 3 months, he was assigned duties of Class-3 employee on account of only class-3 employee proceeding on leave.

I have perused the evidence of both of the parties and entire materials on record. There is sufficient evidence on record to prove that on 10-1-89, Sh. Sant Ram took over the charge from Class-3 employee and worked as Class-3 employee as such. Annexure PB3, Paper No. 39 is the document relating to taking over the charge. Apart from it, the witness of the management, Sh. Jai Kishan Officer in charge, Military Farm has admitted in his evidence on Page No. 2, that Sh. Sant Ram might have worked as Clerk from the period of 1989 to 2000. Thus, on perusal of oral and documentary evidence, it is clear that on 10-1-89, the workman Sh. Sant Ram took over the charge of Class-3 employee and worked accordingly. He discharged the functions and duties of Class-3 employee who had proceeded on leave. For discharge of his duties as Class-3 employee, he is entitled for the wages of Class-3 employee from 10-1-89 to 17-2-2000. Thus, the management is directed to pay the difference of salaries (to which he was eligible as Class-3 employee and actually paid) within one month from the publication of this award. Reference is disposed of accordingly. Let the Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का.आ. 3439.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ सं. 13/94)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-2008 को प्राप्त हुआ था।

[सं. एल-42011/30/92-आई आर (डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3439.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 13/94) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of B. B. M. B. and their workman, which was received by the Central Government on 05-12-2008.

[No. L-42011/30/92-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 13/94

Shri R.K. Singh, President, Nangal Bhakra Mazdoor Sangh,
Nangal Township, District-Ropar(Punjab)

....Applicant

Versus

The Chief Engineer, Bhakra Beas Management Board,
Nangal Township, District-Ropar (Punjab)

...Respondent

APPEARANCES

For the Workman : Sh. R. K. Singh

For the Management : Shri S. K. Goyal with Bhagat Singh

AWARD

Passed on 20-11-2008

Government of India vide notification No. L-42011/30/92-IR(DU) dated 16-12-93 referred the following Industrial Dispute for judicial adjudication to this Tribunal :—

“Whether the action of the Chief Engineer, Bhakra Beas Management Board, Nangal Township in terminating the services of Shri Prem Kumar, Kuldeep Singh, Om Singh, Mohan Lal and Avtar Singh w.e.f. 31-12-91, 9-6-91, 31-12-91, 30-6-91 and 31-12-91 respectively is legal and justified? If not, what relief the concerned workmen are entitled to and from what date?”

The claim of the workman, in nutshell, is that Shri Prem Kumar was employed as skilled mazdoor on daily wages in the month of December 1989 and his services were terminated on 31-12-91. Likewise, Shri Kuldeep Singh another workman named in the reference was employed in December 1989 and his services were too terminated on 9-6-91. Shri Om Singh another workman was employed in Bhakra Beas Mechanical Division in the month of December 1989, and he worked upto December 1991, when his services were terminated on 31-12-91. Likewise, Shri Mohan Lal was employed in the month of December 1989 and he worked upto 30th of June 1991 with the management of BBMB. Furthermore, Shri Avtar Singh was employed with the management in the month of October 1989, he worked upto 30-6-91. It is stated by all the workmen that prior to their termination they have completed 240 days of work in a calendar year preceding to the date of termination. Their services were terminated without any notice or retrenchment compensation against the provisions of Industrial Disputes Act. The seniority of workmen was not maintained properly. Juniors to the workmen were retained in the services, whereas, they were terminated, without notice or retrenchment compensation. It is also stated by the workmen that the seniority is maintained on the basis of the working days and not on the basis of senior in initial date of joining and this criteria for maintaining seniority should be struck down being against law. The management, arbitrarily and unjustifiably had maintained two seniority lists, one for the skilled mazdoor and another for the unskilled mazdoor, whereas, both performed the same function. The workmen have also named some persons like Ajay kumar, and some others who are junior to them, but they were retained in the service and their services were regularized. On the basis of the above, all the workmen have prayed for their reinstatement into the services with full back wages and other consequential benefits.

The management of respondent reply the contents of statement of claim by filing written statement. It was alleged by the management in written statement that the seniority of all the workmen was maintained as per instructions issued vide letter No. 30315-450/PD/468/87/A2, dated 8-7-88. The said letter was issued in compliance of the directions given by Himachal Pradesh High Court on 21-8-88, in Civil Writ Petition No. 27/88 titled as Ram Payari and others Vs. BBMB. These policy instructions were further challenged in the High Court of Himachal Pradesh in another Civil Writ petition No. 274/90, Kishnu Ram and others Vs. BBMB and Hon'ble the High Court was kind enough to uphold the policy instructions. Hon'ble the Supreme Court of India also declined to intervene against the judgment of the Hon'ble High Court, upholding the policy instructions, which were challenged before the Supreme Court in Civil Appeal No. 5653/1990. Thus, the manner and the principle adopted by the management for

maintaining seniority cannot be questioned by way of this reference. It has also been mentioned by the management of respondent that no workman had completed 240 days of work before the date of their termination. All the workmen have worked as unskilled labourer. Seniority for unskilled and skilled labourers were differently maintained because the work done by them were different and they were paid different wages. No junior to the workmen was retained in services. Shri Ajay Kumar was a T-mate and was not appointed as skilled or unskilled worker. He was in the different category. Regarding rest of the workmen who are in service, the management has stated that all are seniors to the workman.

Both of the parties were afforded the opportunity for adducing evidence. All the workmen filed their affidavits. Kuldeep Singh, Om Singh, Prem Kumar were cross-examined. Rest of the workmen were not subjected to cross-examination. On behalf of the management, Shri Ranjan Sharma, and Shri S. N. Bansal filed their affidavits and were cross-examined in detail on different dates by the representatives of the workmen.

Certain documents have also been filed. The management has filed the statement of total working days of every workman. Photocopies of attendance register have also been filed by the management. All the seniority list and policy decision of the management of BBMB, dated 8-7-88 regarding maintenance of seniority of different workmen prepared in compliance of the judgment of Hon'ble the High Court are also on record.

I Have gone through the entire evidence adduced by the parties and other documents on record.

The term of the reference is very clear that whether the termination of all the workmen on the date mentioned in the reference is legal, and if not to what relief the workmen are entitled? The legality of termination has been challenged by the workmen on the ground that they have worked for more than 240 days, but, their services were terminated without notice and retrenchment compensation against the provisions of Industrial Disputes Act. As per the chart given by the management none of the workmen had completed 240 days in the preceding calendar year from the date of their termination. As per the chart provided by the management, workmen Prem Kumar had just worked for 136 days, Shri Kuldeep Singh had worked for 138 days, Shri Om Singh had worked for 165 days, Shri Mohan Singh had worked for 173 days and Shri Avtar Singh had worked only for 152 days in the preceding year from the date of their termination. The photocopies of the attendance register filed by the workmen also shows that none of the workmen has completed 240 days of work with the management in the preceding year from the date of their termination. It was the reason that issue of completion of 240 days was not very seriously pressed by the representative of the workmen at the time of arguments.

After considering the material on record, I am of the view that as no workmen had completed 240 days of work in the preceding year from the date of their termination, no notice or retrenchment compensation was required for their disengagement on completion of work in a particular department. It is the contention of the management that they were disengaged on completion of the work to which they were employed. Accordingly, none of the workmen was entitled for the retrenchment compensation as claimed by them and the management has according to the provisions of Industrial Disputes Act, rightly disengaged them and their disengagement cannot said to be illegal.

Another issue raised by learned representatives of management is that seniority of the workmen was not maintained properly. Juniors to the workmen were shown seniors in the seniority list. The criteria adopted by the management for maintaining seniority was illegal.

The management has adopted a policy in compliance of the direction of the Hon'ble Himachal Pradesh High Court for maintaining the seniority of all the workmen. This policy, as stated earlier, was confirmed by the Hon'ble the High Court and Hon'ble the Apex Court decline to interfere in the order passed by the Hon'ble the High Court confirming the policy.

On perusal of the record, it is also clear that different seniority have been maintained for unskilled and skilled labourers. The payment of wages to both of the class of workmen is different and, accordingly, the management has rightly maintained the different seniority for them. On perusal of the entire material on record, I find no discrimination in maintaining the seniority because no junior has been placed as senior in the same category in the seniority list maintained by the department. The learned representative of the workman has contended that work of skilled and unskilled workers is the same, thus only one seniority list should have been maintained. I am not inclined to accept this contention because of the different nature of work given to the unskilled and skilled workers and the difference in the payment of wages. So, the management has rightly maintained the two and different seniority lists for skilled and unskilled labourers. The name of the workman is included in the seniority list and it is contended by the representative of the management that whenever there will be requirement of any labourer that requirement will be fulfilled out of the seniority list maintained by the department. Accordingly, this reference is answered with the direction terminating of any of the workmen from the services was not illegal because they have not worked with the management for 240 or more days in the previous calendar year from the date of their termination. Moreover, as agreed by the management that if there is any requirement of labourer for any work, the work will be provided to the workmen as per the seniority list maintained by the management of BBMB. It is the only relief to which

they are entitled. Let the Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का.आ. 3440.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ सं. 69/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-2008 को प्राप्त हुआ था।

[सं. एल-42012/164/93-आई आर (डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3440.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 69/94) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of B. B. M. B. and their workmen, which was received by the Central Government on 5-12-2008.

[No. L-42012/164/93-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case I.D. No. 69/94

Shri Des Raj C/o Shri R. K. Singh, Chariman, Nangal, Bhakra
Mazdoor Union, Nangal Township, District-Ropar (Punjab).

.....Applicant

Versus

The Chief Engineer, BBMB, Nangal Township, District-
Ropar (Punjab).

.....Respondent

APPEARANCES

For the workman : Sh. R. K. Singh

For the Management : Shri S. K. Goyal with Bhagat Singh

AWARD

Passed on 21-11-2008

Government of India vide notification No. L-42012/164/93-IR(DU)/(C-II) dated 29-7-94 has referred the following Industrial Dispute for judicial adjudication to this Tribunal :—

“Whether the action of the Chief Engineer, BBMB, in terminating the services of Shri Des Raj S/o Shri Padhu Ram w.e.f 1-3-87 without the compliance of the provisions of Section 25G and 25H of the Industrial Disputes Act, is legal and justified? If not, what relief the concerned workmen are entitled and from what date?”

The nature of reference itself shows that the termination of the services of Shri Des Raj is to be adjudicated with regards to the provisions of Section 25G and 25H of the Industrial Disputes Act (hereinafter, referred as an Act). Under Section 25G of the Act, provisions regarding retrenchment are mentioned, whereas, under Section 25H of the Act, provisions regarding the priority in work to the retrenched workman are given.

The case of the workman, in short, is that he was employed in the BC& Township Division since 2-4-85 on daily waged as unskilled labour and was continuously employed till 28-2-87. On 1-3-87 he was not allowed to join the duties verbally informing him that the work to which he was engaged has been completed and his services were no more required. No seniority list was maintained by the management of BBMB. His juniors were retained in services, whereas, he was terminated. His juniors have also been regularized by the management of the respondent. He has completed more 240 days of continuous service but, without notice and retrenchment compensation, his services were terminated against the provisions of the Act. On the above mentioned contentions, the workman has prayed to declare his termination from the services as illegal and void and has further prayed for his reinstatement into the services with full back-wages and other consequential benefits.

The management of respondent opposed the facts pleaded by the workman in statement of claim by filing written statement. It is alleged by the management of BBMB that he has maintained the seniority list and the name of the workman has very well been included in the seniority list. It was also contended by the management of BBMB that the workman has not worked for 240 days in any consecutive 12 months. As he has not worked for 240 days, there was no requirement for any notice or paying the retrenchment compensation in compliance of the provisions of the Act. It is further contended by the management of BBMB that there has been no violation of any provisions of the Act, and the reference is to be adjudicated accordingly.

Both of the parties were afforded the opportunity for adducing evidence. Shri Des Raj filed his affidavit in support of his case and he was cross-examined by learned counsel for the management of BBMB on 14-5-02. Shri Manwinder Singh filed his affidavit on behalf of the management of BBMB and he was cross-examined by the legal representative of the workman on 15-9-06 and 27-6-07.

Few documents were also filed which are as follows:—

- (1) The copy of the letter dated 19-12-90 written by the workman Shri Des Raj to the Chairman, Bhakra Beas Management Board to appoint him on regular basis on the ground of his illegal termination from the services.
- (2) The copy of the letter dated 12-2-93 written by Shri Des Raj to the Chief Engineer, Bhakra Dam, Nangal Township, Distt-Ropar, requesting for the reinstatement into the services. In this letter he has also referred his representation dated 19-12-90 and 1-5-92.
- (3) The copy of the demand notice is also filed by the workman.
- (4) On behalf of the management the policy regarding maintenance of seniority list in compliance of the order passed by Hon'ble the High Court in Ram Payari and others Vs. BBMB has been filed. Seniority list has also been filed by the BBMB.
- (5) The copy of the attendance register and vouchers available with the management are also filed in compliance of the order passed by this Tribunal on application of the workman for summoning the documents.

I have heard learned counsels for the parties and perused the entire materials on record.

The main question before this Tribunal is whether the termination order (may be oral) by the management of BBMB terminating the services of the workman, Shri Des Raj, on 1-3-87 is legal and justified? While answering the reference, the legality of the termination order, is to be judged by this Tribunal on the ground of the violation of the provisions contained in Section 25G & H of the Act.

First of all the workman has to prove before this Tribunal that he had worked 240 days in the preceding year from the date of his termination. Contention of the management is that workman worked with the management on daily waged basis on a particular work and he was disengaged on completion of work. As he has not completed 240 days in one Division, there was no requirement of any notice or retrenchment compensation. It is the duty of the workman to prove before this Tribunal that he had worked for 240 days continuously in the preceding year from the date of his termination. He has stated in his statement of claim supported by the affidavit that he had completed 240 days in the preceding year from the date of his termination. The workman by filing an application also summoned some documents including the copies of muster-roll. The documents were filed by the management. The documents are proving the working days mentioned in the written statement and in the affidavit filed on behalf of the management.

In the month of February 1987, the workman Shri Des Raj has only worked for 27 days. The copy of the muster-roll shows that the workman was absented for few days in the months of May, July, Sept., etc. In his affidavit, the workman has not challenged the statement of days given by the management of respondent. All the original records were available with the witness of the management, Shir Manvinder, when he was cross-examined by representative of the workman on 15th Nov. 2006 and 27th July 2007. Not a single question was asked by the workman regarding the genuineness of the document filed by the management. Thus, on pursuing the entire materials on record, I am able to accept the contention of the workman that he had worked for more than 240 days in the preceding year from the date of his termination. I have perused the statement of claim, affidavits given by the workman, documents filed by the parties and the pleadings of the management of BBMB while reaching this conclusion that the workman had not worked for 240 days in the preceding year from the date of his termination.

The next question before this Tribunal to adjudicate is whether the management has failed to maintain the seniority list? The seniority list maintained by the management is on record. The seniority list was prepared on the basis of the policy decision dated 8-7-88 adopted in compliance of the order of Hon'ble the High Court passed in Civil Writ Petition no. 27/88, Ram Payari and others Vs. BBMB. The policy instruction were again challenged before the Hon'ble High Court of Himachal Pradesh in Writ petition no. 274/90, Kashmiri Ram and others, Vs. BBMB. Hon'ble the High Court dismissed the writ petition and the policy decision taken by the management of BBMB, vide letter no. 30315 to 450/PD/468/87/A7, dated 8-7-88 were upheld. The Supreme Court of India in Civil Appeal No. 56359090 declined to intervenue in the policy adopted by the management of BBMB in a SLP filed against the order of Hon'ble the High Court of Himachal Pradesh passed in CWP No. 274/90.

Thus, on the basis of the valid and legal policy, the management of BBMB, maintained the seniority list and the name of the workman find place in the seniority list. During the arguments, the management of BBMB has also contended that in compliance of the seniority list, as and when, the work will be available the workman will be provided the work.

The workman has not completed 240 days of work in the preceding year from the date of his termination, so, no notice or retrenchment compensation was required under provisions of the Act. Seniority list was maintained by the management of BBMB and that was final. Moreover, the management has also agree to provided with the work to the workman, whenever the work will be available in compliance of the seniority list. Accordingly, the reference is answered in positive that the declining of continuous work from 1-3-87 by the Chief Engineer BBMB was legal

and justified. As agreed upon by the management of BBMB that the seniority list is maintained and whenever the work will available, the workman will be provided with the work on the basis of the seniority list, I am of the view that it is the only relief to which the workman is entitled. Let the Central Government be informed. File be consigned.

G K. SHARMA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का. आ. 3441.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या नं. 1, धनबाद के पंचाट (संदर्भ सं. 40/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-2008 को प्राप्त हुआ था।

[सं. एल-40012/535/2000-आई आर (डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3441.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No.40/2001) of the Central Government Industrial Tribunal/Labour Court, No. 1, Dhanbad, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Posts and their workmen which was received by the Central Government on 05-12-2008.

[No.L-40012/535/2000-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Present : Shri H.M. Singh, Presiding Officer

In the matter of an Industrial Dispute under section 10(1)(d) and sub-section 2(A) of Section 10 of the I.D. Act., 1947.

Reference No 40 of 2001

Parties : Employers in relation to the management of Gumla Post Office and their workman.

APPEARANCES

On behalf of the workman : Mr. Sanjay Kumar, Advocate,

On behalf of the employers : None

State : Jharkhand

Industry : Post Office.

Dated, Dhanbad, the 24th November, 2008.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) and sub-section 2(A) of Section 10 of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No.L-40012/535/2000-IR(DU) dated, the 9th Feb., 2001.

SCHEDULE

"Whether the termination of Sh. Amar Kumar by the management of Gumla Post Office w.e.f. 6-8-99 is legal and justified? If not, to what relief the workman is entitled?"

2. The case of the workman as per W.S. submitted by him is that the concerned workman was employed in a public utility service as a coolie "Male-runner" for conveyance of mails from Gumla to Chainpur and back which is a regular and permanent nature of work of the Post Offices. He was employed to perform the above job by the Asstt. Superintendent of Post Office, Gumla, Sub-division with the proper approval and sanction of the Senior Divisional Superintendent of Post Offices, Ranchi as per a letter of the Assistant Superintendent of Post Office, Gumla Sub-division by Memo dated 29-7-97. Beginning portion of the contents of the Memo dated 29-7-97 has been reproduced in the Written Statement. It has been submitted by the workman that the conditions mentioned in the Memo dated 29-7-97 has been fulfilled by the concerned workman and thereafter the concerned workman was employed. It has further been submitted that the performance of the concerned workman was throughout fully satisfactory, and he was employed w.e.f. 27-3-95. The concerned workman worked continuously and regularly and he was in continuous service for a period w.e.f. 27-3-95 to 5-8-99 and had completed for more than 240 days during the period of twelve calendar months each. In course of employment of the concerned workman one Sri Krishna Mohan Singh joined as Post Master, Gumla, he illegally, arbitrarily and without justification orally terminated the services of the concerned workman without complying with the provision of Section 25F of the I.D. Act before terminating his services. Though the concerned workman worked regularly and continuously since 27-3-95 to 5-8-99 i.e. for four years and five months he was deprived of the status and privileges of a permanent workman. Thereafter the concerned workman submitted representations on 24-9-99 and 11-10-99 to the Senior Superintendent of post offices, Ranchi Division, Ranchi and to Mrs. S.S. Kujur I.P.S. Sr. Superintendent of Post Office Ranchi Division, Ranchi on 18-2-2000 for allowing him to work and for payment of wages for the period of forced idleness but no action was taken by the above officials on the representations of the concerned workman. It has been further submitted by the concerned workman that one Sri Munna Kumar son of Sri Nanku Choudhary who was simultaneously appointed/employed along with the concerned workman have been

working as such. The job of Male runner is still being continued and is carried out on regular and permanent basis by another workman who was employed subsequently to the concerned workman. The concerned workman used to be paid wages earlier @ Rs. 25 per day and subsequently it was enhanced to Rs. 35 per day multipliable by 30 (besides D.A. and other benefits as were applicable on 5-8-99). The concerned workman finding no other alternative raised an industrial dispute before the ALC(C) Ranchi which ultimately resulted reference to this Tribunal for adjudication. In the W.S. it has also been stated that the Post Master, Gumla being not appointing authority of the concerned workman was not competent and he had no jurisdiction and authority to terminate the services of the workman concerned. It has been prayed by the concerned workman to pass an Award holding that the concerned workman is entitled to be reinstated with full back wages and other benefits and perquisites.

3. Management has not appeared in the case and has not filed any W.S. on 14-5-2002 exparte proceeding has been started against the management because of the fact that notices have been sent to them. Even then they did not appear and it has also been mentioned on the ordersheet dated 14-5-2002 that repeated registered notices have been sent to the management.

4. The workman has examined the concerned workman as WW-1 who has proved documents marked as Ext. W-1, W-2, W-3 to W-3/2, W-4 to W-4/2.

5. Ld. Counsel for the workman argued that the concerned workman had been working from 27-3-1995 to 5-8-99 as Mail-Runner on casual basis and taking the daily mail to Chainpur and also bringing from there the daily mail to Gumla Post Office. He has filed 138 carbon copies of the list which has been marked as Ext. W-1 in bunch. All these lists contain the signature of the Mail Personal Assistant of the Post Office and all those lists bear the seal of the Post Office also. He was stopped from duty on 6-8-99 without assigning any reason and notice and without retrenchment compensation. It has been argued that he was engaged in the post office on the basis of the order passed by Sr. Superintendent of Post Office. The carbon copy of the said order has been marked as Ext. W-2 and the certificates granted by the Post Master of the Post Office to the concerned workman have been marked as Ext. W-3 to W-3/2. He has been stopped from work by the Post Master Krishna Mohan Singh though he had no power to stop the concerned workman from work. The concerned workman thereafter represented his case before the Sr. Superintendent of Post Office and also before the Post Master of the concerned Post Office, and the representations have been filled before this Tribunal and marked as Ext. W-4 to W-4/2. But no consideration was made by the management. The work of mail runner is of continuous in nature. Besides the concerned workman during the relevant period there was another Mail Runner

too in the said Post Office and he was also working there in the same way in which the concerned workman used to work. After disengagement of the concerned workman no other fresh hand was engaged or no regular appointment was made. Another person who also used to work as Mail Runner was also disengaged like the concerned workman. Presently Mail Runners are working in the concerned Post Office in officiating capacity being brought from elsewhere. It has also been deposed by the concerned workman WW-1 that he has worked for more than 240 days attendance in a year and he should be reinstated with consequential benefits. In this respect Ld. Counsel for the workman has referred to a decision reported in 1998 Lab I.C. 883 in which Hon'ble Supreme Court laid down that under Section 2(J) of the I.D. Act., 1947 Telecom Department of Union of India is 'Industry' which is engaged in commercial activity and is not discharging any sovereign functions of state. In the above case AIR 1978 Supreme Court 548 has been followed and AIR 1997-2817, 1997 AIR SCW 2819 has been over ruled.

6. The concerned workman filed Ext.W-4 to W-4/2 which are representation to the Superintendent of Post and Ext.W-3 shows that he was authorised by the Post Master to carry mails of Gumla to Chainpur and Ext.W3/1 and W-3/2 by Post Master, Gumla showing engagement of the concerned workman for carrying mails from Gumla to Chainpur. The concerned workman has filed a letter issued by the Supdt. of Post Office Gumla directing the concerned workman to deposit a sum of Rs.20/- every year by Money Order in the name of Hony. Secretary Bihar P&T Co-operative Patna and to submit certificates of educational qualification and a guarantee certificate from a permanent employee of Postal Department. The said letter has been marked as Ext.W-2. Ext.W-1 series containing 138 peices are regarding coming and going carrying mails from Chainpur to Gumla and vice-versa. The concerned workman has filed a photo copy of request form for a New Fidelity Bond of Bihar Posts & Telegraphs Co-operative Society Ltd. from which it appears that the concerned workman requested for a new fidelity bond, and it also shows that a bond has been filed by the concerned workman to the Honorary Secretary, Bihar P & T Co-operative Society Ltd., Patna. The workman has not filed any appointment letter of his engagement issued by the management so that he may be entitled for any reinstatement. In a decision reported in 2006 JLR C. 3 page 283 in which Hon'ble Supreme Court has laid down the following :—

“Constitution of India-Article 226-wide powers thereunder-Courts should desist from issuing orders for continuance of those who have not secured regular appointments as per established procedure-wide powers under Article 226 are not intended to be used for the purpose of perpetuating illegalities, irregularities or improprieties or for scuttling the whole scheme of public employment-High Court is the

sentinel and guardian of equal rights protection courts are not to ignore, encourage or approve appointments made or engagements given outside the constitutional schemes (Paras 3 and 12) (1964)4 SCR 964-Referred to.

2006 (2) SCLE 115 JT 2006(2) SC: 1: 2006 (2) PLJR (SC): 1 2006 (2) JLR (SC)80-Relied upon.

AIR 1985 SC 363 - Referred to.

Service Law- Appointments- no employment is envisaged outside the constitutional scheme and without following the requirements set down therein-equality of opportunity is the hallmark-provisions exist for affirmative action to ensure that unequals are not treated equals-though the Government is not precluded from making temporary appointments, regular appointments must be the rule-constitutional scheme of public employment flows from Articles 14, 16, 315, 320 and 335-in absence of any right to a post or to a particular status, appointment cannot be deemed to be valid - directions for re-engagement of such persons in any other world would make judicial process another mode of recruitment de hors the rules. (Paras 10,12,22,24,27 and 40).

Service Law-Regularisation-only something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularised and that it alone can be regularised-granting permanence of employment is a totally different concept-Courts ought not to impose a financial burden on the State by directions for regularisation of permanence. (Paras 14 and 17)

1967(1) SCR 128: (1972)2 SCR 799 (1979)3 SCR 937 Relied upon.

1988(1) SCR 598: 1989 Suppl. (2) SCR 513-Distinguished

Service Law-Appointment-equality-rule of equality in public appointments is a basic constitutional feature-unless appointment is in terms of relevant rules and after a proper competition, same would not confer any right on the appointees-contractual appointment ends with the contract-daily wages or casual appointment ends with discontinuation-temporary appointee cannot claim permanency on expiry of the term-by merely working for a long time one does not acquire a right for regularisation-such persons cannot invoke doctrine of legitimate expectation. (Paras 27, 34 and 38).

1973 Suppl. SCR 1; 1999 Suppl. (5) SCR 229; (1987)1 SCR 798: (2004)7 SCC 122-Relied upon.

(1990)1 SCR 544: (1992)3SCR 826-Discussed.

Services Law-Absorption-High Court should not u/Art. 226 ordinarily issue directions for absorption regularisation or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme-merely because an employee had continued under cover of an order of the Court (litigious employment) he would not be entitled to be absorbed or made permanent (Para-34).

Service Law-Pay-equal pay for equal work-while accepting employment, daily wages or casual or temporary, person concerned knows the nature of his employment and wages to be paid daily wages form a class by themselves-they cannot claim discrimination with regular employees-even by invoking the principle of equal pay for equal work they cannot be treated at par with regular employees-Articles 14 and 16 not attracted. (Paras 36 and 39).

7. In the result, as per reference made to this Tribunal regarding termination of the concerned workman by management of Gumla Post Office w.e.f. 6-8-99 seems to be legal and justified and he is not entitled to get any relief. Though he has worked for more than 240 days no right accrued to him because no engagement letter has been filed by him which has been issued by the management.

An Award is passed accordingly.

H. M. SINGH, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का. आ. 3442.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अश्व प्रजनन फॉर्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 37/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-2008 को प्राप्त हुआ था।

[सं. एल-42012/252/90-आई आर (डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3442.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No.37/97) of the Central Govt. Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Equine Breeding Stud. and their workman, which was received by the Central Government on 05-12-2008.

[No. L-42012/252/90-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 37/1997

Shri Rajinder Singh S/o Sh. Sohan Singh, R/o
Village Piran Wali,, P.O. Nyoli Kalan, Distt. Hissar
(Haryana)-125001

.....Applicant

Versus

The Commandant, Equine Breeding Stud.,
Hissar-125001

.....Respondent

APPEARANCES

For the Workman : Workman in Person with
Raj Kaushik.

For the Management : Sh. K. K. Thakur

AWARD

Passed on 14-11-2008

Central Government vide notification No. L-42012/252/90-IR (D.U.) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication.

"Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Joginder Singh S/o Shri Sohan Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 5-9-08, this case was fixed in pre Lok Adalat meeting on 14-11-2008 for its disposal by adopting the mediation and conciliation mechanism. It is agreed between the parties that the workman will be provided with job as and when required

basis. If any workman is covered under the scheme of regularization, he will be provided the benefit accordingly. The workman will be paid wages as per the wages given to similarly situated workman. On this assurance, the workman withdraw the reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh. G. K. SHARMA, Presiding Officer
14-11-08

नई दिल्ली, 5 दिसम्बर, 2008

का. आ. 3443.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबंध में नियोजकों और उनके कामकाजों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ नं.-1 के पंचाट (संदर्भ सं. 177/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-2008 को प्राप्त हुआ था।

[सं. एल-12012/185/2003-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3443.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 177/2003) of the Central Govt. Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the management of State Bank of Patiala, and their workmen, received by the Central Government on 5-12-2008.

[No. L-12012/185/2003-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 177/2003

Shri Rajinder Singh Baidwan S/o Sh. Gurdial Singh,
H. No. 153A, Near Gurudwara Focal Point, Rajpura,
Distt. Patiala (Pb.)

....Applicant

Versus

The General Manager, State Bank of Patiala, The
Mall, Patiala (Pb.)-147001.

....Respondent

APPEARANCES

For the workman : Sh. Balbir Singh
For the management : Sh. N. K. Zakhmi.

AWARD

Passed on 21-11-2008

Government of India vide notification No. L-12012/185/2003-IR (B-I) dated 31-10-2003 has referred the following dispute for judicial adjudication to this Tribunal:

“Whether the action of the management of General Manager, State Bank of Patiala, in awarding the punishment of compulsory retirement from service to Sh. Rajinder Singh Baidwan S/o Sh. Gurdial Singh, Ex-Cashier cum Clerk w.e.f. 7-4-97 is legal and just? If not, what relief the concerned workman is entitled and from which date?”

From the order dated 20-11-08, it is clear that workman has nothing to say on the genuineness of the enquiry. This Tribunal has already held that enquiry officer conducting the enquiry in a fair, proper and reasonable manner and there has been no violation of principle of natural justice. The order dated 20-11-08 shall be the part of this award.

Workman has not preferred to adduce any evidence. Likewise, management has also declined to avail opportunity for adducing evidence given by this Tribunal. Accordingly, this Tribunal has nothing to say on decision making of the enquiry officer as well and the only question, as stated by both of the parties before this Tribunal is the decision on quantum of punishment.

This Tribunal has very limited power under Section 11-A of the ID Act for interfering in the punishment given by the disciplinary authority. The Tribunal can interfere in the case where the punishment awarded by the disciplinary authority is shockingly disproportionate to committed misconduct.

The discretion under Section 11-A, no doubt is very limited, but can be exercised on the basis of the nature of misconduct and punishment awarded. On perusal of the record, it is evident that the workman was charge sheeted on 4 counts as under:

- (a) That he refused to obey the lawful orders of the Branch Manager for competition of current account long book dated 8-6-1994.
- (b) That he refused to receive the letter dated 17-6-94 calling for him explanation which was sent to him through Smt. Sushila, part-time worker of the Branch.
- (c) That he tore the said letter dated 17-6-94 in pieces in the cabin of the Branch Manager.

- (d) That he misbehaved, manhandled and slapped the Branch Manager on the face in his cabin on 17-6-94.

All the 4 charges were well proved against the workman and the workman has nothing to say on the proving of the charges. He has only requested to invoke the discretionary jurisdiction of this Tribunal vested under Section 11-A of the ID Act.

Charge No. 4, relating to misbehaving, manhandling and slapping the Branch Manager on the face in his cabin on 17-6-94 is a grave charge which has been proved against the workman. The punishment awarded by the disciplinary authority is compulsory retirement from the service.

I have to decide whether the punishment of compulsory retirement from the service on such grave misconduct is the punishment which can be termed as shocking disproportionate to the committed misconduct. The law laid down by Hon'ble the Apex Court in Employers, Mgmt., M. Colliery M/s. BCCL Ltd. Vs. Bihar Colliery Kamgar Union Through Workmen 2005(2) Page No. 108 is very clear on this issue. Hon'ble the Apex Court, in this case has held that assault on magisterial staff by workman is grave misconduct and punishment of dismissal in such case cannot be held to be disproportionate so as to attract the provisions of Section 11-A of ID Act. Such misconduct attracts stringent punishment.

In Mohindera and Mohindra Ltd. Vs. N. B. Narvade 2005(2) SCT Page No. 236, Hon'ble the Apex Court has also held that use of abusive language against the superior officer in presence of subordinate cannot be termed as an indiscipline calling for lesser punishment than dismissal in absence of any extenuating factor.

The misconduct in this case is more grievous. The workman has not only misbehaved with the manager in his cabin but has also slapped him on his face. The punishment given by the disciplinary authority was compulsory retirement not the dismissal from the service. In my view, the disciplinary authority was lenient and considerate while awarding the punishment of compulsory retirement and it cannot be in any case termed as shockingly disproportionate with the committed misconduct. No interference is accordingly called for in the punishment awarded by the disciplinary authority. Reference is disposed of accordingly. Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का. आ. 3444.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्चुरियन बैंक लि. के प्रबंधन के संबंध में निर्योक्तों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ सं. 22/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-2008 को प्राप्त हुआ था।

[सं. एल-12012/265/2004-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3444.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/2005) of the Central Govt. Industrial Tribunal-cum-Labour Court, Nagpur, as shown in the Annexure, in the Industrial Dispute between the Centurian Bank Ltd., and their workmen, received by the Central Government on 5-12-2008.

[No. L-12012/265/2004-IR(B-D)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/22/05

Date : 25-11-2008

Petitioner/ : Smt. Manasi H. Joshi,
Party No. 1 38, Padole Layout,
Behind Padole Hospital,
near Ring Road,
Nagpur-440 022

Versus

Respondent/ : The Managing Director,
Party No. 2 Centurian Bank Ltd.,
204, Centre Point,
Dr. Ambedkar Road, Parel,
Mumbai-400 012.

AWARD

(Dated : 25th November, 2008)

1. The Central Government after satisfying the existence of dispute between Smt. Manasi H. Joshi, 38, Padole Layout, Behind Padole Hospital, near Ring Road, Nagpur (Party No. 1) and the Managing Director, Centurian Bank Ltd., 204, Centre Point, Dr. Ambedkar Road, Parel, Mumbai (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-12012/265/2004-IR (B-1) dated 21-3-2005 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of M/s. Centurian Bank Ltd., Mumbai (M.S.) in terminating the services of Smt. Manasi H. Joshi, designated as 'trainee' Nagpur Branch of the Bank w.e.f. 24-3-2004 without

following the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not to what relief Smt. Manasi H. Joshi is entitled?"

3. The reference came up for hearing on 24-11-2008 on which the Petitioner and his Counsel were absent. The counsel for Respondent was present. The Petitioner is not attending the case since last years. He has not even filed an affidavit since 14-7-2005. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence is dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date: 25-11-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2008

का. आ. 3445.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण इरनाकुलम के पंचाट (संदर्भ सं. 01/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-2008 को प्राप्त हुआ था।

[सं. एल-12012/138/2006-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th December, 2008

S.O. 3445.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 01/2007) of the Central Govt. Industrial Tribunal-cum-Labour Court, Ernakulam, as shown in the Annexure, in the Industrial Dispute between the management of Federal Bank Ltd., and their workman, received by the Central Government on 5-12-2008.

[No. L-12012/138/2006-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P. L. Norbert, B.A., LL.B., Presiding Officer

I.D. 1/2007

Workman : Shri S. Ashraf,
Ex-Sub-Staff,
Charuvila Veedu, Maverkal,
Alamcode P.O., Via Attingal,
Attingal, Kerala.

By Adv. Sri C. Anil Kumar.

Management : The Chairman,
Federal Bank Limited,
Head Office, Alwaye.

By Adv. M/s. B. S. Krishna,
Associates

The case coming up for hearing on 30-9-2008, this Tribunal-cum-Labour Court on 6-10-2008 passed the following :

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

"Whether the action of the Management of the Federal Bank Ltd. with its Head Office at Alwaye, Kerala in relation to their Perumathura branch in terminating the services of Shir S. Ashraf, Sub-Staff vide Order dated 7-1-2006 is proper and justified? If not what relief the applicant concerned is entitled to?"

2. Facts of the case in brief are as follows :—Shri S. Ashraf was a bankman of Federal Bank at Perumathura branch. While so, he was placed under suspension by order dated 29-9-1992 for the reason that he had fraudulently withdrawn Rs. 16,000 from the S.B. Account of the customer Sri K. Ashraf. The Bank Manager lodged a complaint with the police and a crime was registered. Investigation was conducted and he was arrested. After completion of the investigation and laying the charge the Magistrate Court, Attingal conducted the trial and convicted the delinquent for offence punishable under Sections 420, 468 and 471 I.P.C. The delinquent filed Criminal Appeal before Additional Sessions Court, Thiruvananthapuram. The conviction and sentence were set aside and the delinquent was acquitted of all the offences. Thereafter the management initiated departmental proceedings and a charge sheet dated 16-7-2004 was issued to the worker. A domestic enquiry was conducted and he was found guilty of acting prejudicial to the interest of the bank. The disciplinary authority terminated the service of the workman by order dated 7-1-2006. Though an appeal was filed, he did not succeed. Therefore the reference.

3. According to the claimant he was only a sub-staff. On 12-10-1990 he was asked by the Manager to attend S.B. section as the concerned clerk was on leave. An Officer loyal to the management was appointed an Enquiry Officer. He was biased and conducted the enquiry in violation of Principles of natural justice. The findings are perverse. The judgment of the criminal appellate court was not properly considered by the Enquiry Officer. The workman has an unblemished service in the bank. He is the only bread winner of his family consisting of unemployed wife and two daughters. The punishment imposed is harsh and excessive. The workman is entitled to be reinstated with bank wages and consequential benefits.

4. According to the management an investigation by an officer of the bank preceded the enquiry. The workman had close acquaintance with the customer in question. Without the knowledge of the workman the amount could not have been withdrawn by anyone from the account of the customer. The workman used to help the customer in bank transactions. On 12-10-1990 the workman was handling S. B. section as the S. B. section clerk was on leave. A withdrawal form for Rs. 16,000 was posted in the account by the worker and the entry was initialed by him. A token was issued by him and token number was written by him on the reverse side of the withdrawal form. The enquiry was conducted complying with the principles of natural justice. The workman was defended by any Advocate of his choice. All the management witnesses were cross examined and defence evidence was adduced. The Enquiry Office on appreciation of the evidence on record came to the conclusion that the workman had fraudulently withdrawn an amount of Rs. 16,000 from the S. B. Account of Sri K. Ashraf. A copy of the report was furnished to the workman. The disciplinary authority concurred with findings of Enquiry Officer after considering the evidence on record and submission of the workman. He was heard regarding punishment. Considering the gravity of the misconduct he was dismissed from service. The appeal filed by him was found without merits and hence it was dismissed. The charges levelled against the workman in the criminal case and in the disciplinary proceedings are different. The appreciation of evidence in both are also different. The enquiry officer was fair in the enquiry and full opportunity was given to the workman. The punishment is in proportion to the gravity of the misconduct and there is no reason to interfere with the punishment.

5. At the time of hearing the learned counsel for the workman confined his submission to the legality and propriety of the punishment of dismissal from service in the light of acquittal by criminal court on the same set of facts and evidence. Hence the learned counsel did not want to go into the merits of the findings in the enquiry.

6. In view of the above submission the only point that requires consideration is :

Whether acquittal in criminal case should ensue in acquittal in departmental proceedings?

The evidence consists of oral testimony of MW1 and documentary evidence of Ext. M1 Enquiry File on the side of the management and no evidence on the side of the workman.

7. **The Point :**—The allegation against the workman Sri S. Ashraf is that on 12-10-1990 he had fraudulently withdrawn Rs. 16,000 from S. B. Account No. 1942 of Sri K. Ashraf of Perumathura. Ext. ME-1 is the judgment in C.C. 340 of 1993 of Judicial First Class Magistrate Court-I, Attingal. The prosecution charge against the accused

(workman) is the same as in departmental disciplinary proceedings. In the criminal case on nine witnesses were examined and documents Ext. P-17(g) were marked. There was no defence evidence.

8. In the domestic enquiry two witnesses were examined and 16 documents were marked on management side and two documents were marked on defence side and seven documents were marked as Court Exhibits. MWs. 1 and 2 in the domestic enquiry are PWs. 3 and 5 in the criminal case. Of the documents marked in the enquiry Exts. ME-4 to 10 are Exts. P2, 3, 4, 6, 7, 8 and 9 in the criminal case. When the Enquiry Officer was examined (M. 1) he admitted that except one or two letters all other documents marked both in the enquiry and in criminal case are one and the same. So also two management witnesses examined in the enquiry were examined in the criminal case. Exts. ME1, 2, 3, 11 to 16 in enquiry were not marked in criminal case. Out of them Exts. ME-1 and 2 are judgments of trial court and appellate court in criminal case. Ext. ME-3 is copy of application form for opening S. B. account in the name of customer Sri K. Ashraf. Documents 1 and 2 being judgments rendered in the criminal case, they were produced in the enquiry. Document No. 3 has no bearing on the issue except that a S. B. Account was opened by the customer K. Ashraf which is admitted by both sides. Exts. ME-11, 12 and 13 are letters of customer K. Ashraf sent to the Branch Manager and Vigilance Officer of the Bank complaining about fraudulent withdrawal. Ext. ME14 is a letter of MW2 to Vigilance Officer regarding what had happened on 12-10-1990. Ext. ME-15 is the report of Vigilance Officer. Ext. ME-16 is another report of the Vigilance Officer. The Vigilance Officer was examined before the criminal court as PW5. He stated that he was not able to locate the culprit, who committed the fraud and that is the reason why a police complaint was filed. Thus the reports of the vigilance officer does not support the case of management. The substantial documents Exts. ME-4 to 10 were marked in the criminal case and considered both by the Trial Court as well as Appellate Court. The Court Exhibits are nothing but charge sheet, explanation to charges, memorandum issued to the workman by the management, a letter of defence representative to the Enquiry Officer, lists of witnesses and documents and copies of memoranda issued to the workman by the management. They are only formal documents and cannot affect the issue. Thus the prosecution charge and the charge in the departmental proceedings are one and the same and the facts and evidence are substantially identical. Though the trial court found the workman guilty Criminal Appellate Court acquitted him. It is not on the basis of benefit of doubt as mentioned by the Enquiry Officer that he was acquitted by the Criminal Appellate Court but for want of evidence and consequent failure of prosecution to prove the charges. The relevant portion of the judgment in Criminal Appeal No. 181/98 of Additional Sessions Court-I,

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Thiruvananthapuram. It was held that it was the appellant who committed the offence. But such a finding is not a substantial finding. Even the bank officials who are dealing with daily affairs were not in a position to assert that it was the appellant who had committed forgery and had withdrawn the amount as per Ext. P9 withdrawal slip. On mere suspicion the appellant was brought to book and the lower court also had found the appellant guilty of the offence charges with on mere suspicion. According to me the finding of the lower court is not supported by legal evidence and the same calls for an interference of this court". (page-125 of Ext.M1). In view of the clean acquittal the question is whether the management can punish him departmentally. The learned counsel for the workman relying on the decision in G.M. Tank Vs. State of Gujarat AIR 2006 Supreme Court 2129 submitted that when the two proceedings are based on similar sets of facts and when evidence and the charges are same, acquittal in criminal case should end in acquittal in the departmental proceedings. In para 30 of the judgment it is observed as follows :—

"In our opinion, such facts and evidence in the department as well as criminal proceedings were the same without there being any iota of difference, the appellant should succeed. The distinction which is usually proved between the departmental and criminal proceedings on the basis of the approach and burden of proof would not be applicable in the instant case. Though finding recorded in the domestic enquiry was found to be valid by the Courts below, when there was an honourable acquittal of the employee during the pendency of the proceedings challenging the dismissal, the same requires to be taken note of and the decision in Paul Anthony's case (supra) will apply. We, therefore, hold that the appeal filed by the appellant deserves to be allowed."

9. On the other hand the learned counsel for management relying on the decision in T.N.C.S. Corporation Limited Vs. K. Meerabhai (2006) a SCC 255 contended that scope of disciplinary proceedings and criminal proceedings are distinct and different and that the standard of proof in the said two proceedings are also different. Hence acquittal in the criminal case need not prevent the management from proceeding with the departmental enquiry and punishing the culprit. In para 32 it is observed as follows :—

"The scope of disciplinary proceedings and the scope of criminal proceedings in a court of criminal law are quite distinct, exclusive and independent of each

other. The prosecution proceedings launched against the respondent herein were in respect of offences punishable under Sections 409 and 477-A IPC, whereas the departmental proceedings as initiated against her were in respect of the charges of misappropriation and other fraudulent practices such as deliberate omission to bring into account the stock received showing bogus issues in the records, falsification of accounts, submission of defective accounts, tampering of records, manipulation of accounts and records, etc. Thus, the respondent herein was proceeded against for quite different charges and on different sets of facts before the Court of Chief Judicial Magistrate, on the one hand, and before the departmental enquiry on the other."

In view of the above factual position the Hon'ble Supreme Court confirmed the order of dismissal imposed by the disciplinary authority. So far as the instant case is concerned the charges in both proceedings are the same, facts and evidence are also same and hence in the light of the decision in G.M. Tank v. State of Gujarat referred supra since the workman was acquitted in the Criminal Case the departmental proceedings should have ended in acquittal. Hence the findings and punishment cannot be sustained.

In the result an award is passed finding that the action of the management of Federal Bank in terminating the service of Shri S. Ashraf is not legal and justified and he is entitled to be reinstated. However since the acquittal in criminal case was on 20-06-2003 the workman is not entitled for back wages till then, but will be entitled for the wages thereafter, with continuity of service and other consequential benefits from 20-06-2003.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 6th day of October, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Workman	—Nil.
Witness for the Management	
MW1 — 22-9-2008	—Shri Syriac Joseph
Exhibit for the Workman	—Nil.
Exhibit for the Management	
M1 — 28-07-2005	—Enquiry File.